

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - PO Box 82607, Kenmore WA 98028 - Phone: 425-398-8900 - Fax: 425-481-3236

City of Kenmore
City Council Regular Meeting Agenda
7:00 p.m., Monday, June 13, 2011
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Avenue NE, Kenmore. The agendas are also available on our website at: www.kenmorewa.gov. Our public meetings are accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) days prior to the meeting.

I. CALL TO ORDER REGULAR MEETING

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. CONSENT AGENDA

- A. Minutes of the April 18, 2011 Regular Council Meeting and April 25, 2011 Regular Council Meeting.
- B. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.
- C. Accept February 2011 Financial Report for the City of Kenmore – Joanne Gregory, Financial Director
- D. Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602, with HDR Engineering, Inc., for the SR 522 Transportation Improvement Projects, in the Amount of \$44,829.80 – Ron Loewen, City Engineer

VI. CITIZEN COMMENTS

VI. CITIZEN COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

VII. BUSINESS AGENDA

- A. Authorize the Sale of the SR 522 Street Lights to Puget Sound Energy and Authorize the City Manager to Execute a Bill of Sale and Contract No. 11-C908 Transfer Agreement and Maintenance Order with Puget Sound Energy – Ron Loewen, City Engineer
- B. Review of Proposed Amendments to Development Regulations Including Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) of the Kenmore Municipal Code and Request for Council Direction Regarding Scheduling June 29, 2011 for a Council Workshop Meeting and July 18, 2011 for a Public Hearing – Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

VIII. COUNCILMEMBER COMMENTS/REPORTS

IX. ADJOURNMENT

Upcoming Meetings:

June 20, 2011 Monday 7:00 p.m. Regular Council Meeting
June 27, 2011 Monday 7:00 p.m. Regular Council Meeting

DRAFT COPY

City of Kenmore
City Council Regular Meeting
Minutes
April 18, 2011

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

Councilmembers present: Mayor David Baker, Deputy Mayor Milton Curtis, and Councilmembers Bob Hensel, John Hendrickson, Laurie Sperry, Allan Van Ness, and Glenn Rogers.

Staff present: Nancy Ousley, Assistant City Manager; Ron Loewen, City Engineer; Debbie Bent, Director of Community Development; Jennifer Gordon, Public Works Operations Manager; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

FLAG SALUTE

Members from Boy Scout Troop 610 led the flag salute.

AGENDA APPROVAL

Councilmember Laurie Sperry moved to approve the agenda as submitted.
Councilmember Glenn Rogers seconded the motion. The motion passed unanimously.

CONSENT AGENDA

Councilmember John Hendrickson pulled Item “C” for separate consideration.

Councilmember Glenn Rogers moved to approve the consent agenda as amended.
Councilmember Laurie Sperry seconded the motion to approve the minutes of the March 21, 2011 Regular Council Meeting; and Authorize the City Manager to Sign Supplemental Agreement No. 8 to Contract No. 07-C602, with HDR Engineering, Inc., for the SR 522 Transportation Improvement Projects, in the Amount of \$23,896.98. The motion passed unanimously.

Contract No. 11-C938 with King County for the SR 522 Transportation Improvement Projects Plan Review, Construction Monitoring and Landscape Maintenance – It was the consensus to move the discussion/consideration of this item to later in the meeting when Ron Loewen, City Engineer, will be present.

CITIZEN COMMENTS

Jack Cornwall, 18209 167th Ave. NE, Woodinville, from the Northshore Performing Arts Center (NPAC) was present to invite the Council to the 3rd Annual Spring for the Arts Luncheon that is scheduled to be held on May 13, 2011.

Jack Bunnell, 6428 NE 182nd St., Kenmore, was present to state his concerns relating to pedestrian safety and the status of the City Manager's employment contract.

Mayor David Baker summarized the comments.

Contract No. 11-C938 with King County for the SR 522 Transportation Improvement Projects Plan Review, Construction Monitoring and Landscape Maintenance – Ron Loewen, City Engineer, was present to answer any questions.

Councilmember Laurie Sperry moved to approve Contract No. 11-C938 with King County for the SR 522 Transportation Improvement Projects Plan Review, Construction Monitoring and Landscape Maintenance. Deputy Mayor Milton Curtis seconded the motion. The motion passed 6-1 with Councilmember John Hendrickson voting no.

BUSINESS AGENDA

Discussion and Direction with Ron Kasprisin, Final Presentation and Report "Mapping and Visualizing the Open Spaces and Connectors in Kenmore." Ron Kasprisin invited the Council and audience to gather around his models and boards. He and graduate students from the University of Washington Department of Urban Design and Planning presented the Urban Design Studio projects that focused on downtown Kenmore connections to Lake Washington and other local destinations. This effort continues the examination of establishing connections by trails, sidewalks or other thoroughfares that began with Professor Kasprisin in 2009. They were also available to answer any questions.

Discussion on SR 520 Tolling and Potential Impact on SR 522 - Ron Loewen, City Engineer, was present to provide an update and was present to answer any questions.

COUNCILMEMBER COMMENTS/REPORTS

Councilmember John Hendrickson discussed the Open Public Meetings Act (OPMA). He brought up the subject of the Northshore Utility District's Appeal to the Kenmore Hearing Examiner.

Councilmember Glenn Rogers stated that he was approached by a citizen asking about the City policy on a citizen recognition award.

Councilmember Glenn Rogers moved to direct staff to review our current citizen recognition award program and bring back some proposed options for reviving the current process for Council's consideration. Mayor David Baker seconded the motion. The motion passed unanimously.

Councilmember Glenn Rogers announced that he had been approached by a teacher with a request to bring her students for a tour of City Hall. He stated that he had spoken to Fred Stouder, City Manager, and that the tour has been scheduled for tomorrow morning.

Mayor David Baker provided an update on the recent Regional Transit Committee (RTC) he attended.

Deputy Mayor Milton Curtis stated that he is a member of an advisory board for the Evergreen Hospital Safety & Emergency Services. He stated that they have requested that they be allowed to provide a presentation at an upcoming Council meeting, since Kenmore is in their jurisdiction.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 8:45 p.m.

Mayor David Baker

ATTEST:

Lynn Suskin, City Clerk

DRAFT COPY

City of Kenmore
City Council Regular Meeting
Minutes
April 25, 2011

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

Councilmembers present: Mayor David Baker, Deputy Mayor Milton Curtis, Councilmembers Bob Hensel, John Hendrickson, Laurie Sperry, Allan Van Ness, and Glenn Rogers.

Staff present: Fred Stouder, City Manager; Nancy Ousley, Assistant City Manager; Bryan Hampson, Land Development and Permitting Director, Angelo Bonomi, Code Compliance Officer; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

FLAG SALUTE

Mayor David Baker led the flag salute.

AGENDA APPROVAL

Councilmember Glenn Rogers moved to approve the agenda as submitted.
Councilmember Laurie Sperry seconded the motion. The motion passed unanimously.

CONSENT AGENDA

Councilmember Bob Hensel moved to approve the Minutes of the March 28, 2011 Council Meeting; Claim Nos. 23729-23787 in the Amount of \$263,555.56 for the Period Ending April 12, 2011; and Authorize City Manager to Execute Contract No. 11-C942 with Entertainment Fireworks in the Amount of \$24,050 for Pyrotechnician Services for the 2011 and 2012 Kenmore 4th of July Fireworks Shows. Deputy Mayor Milton Curtis seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS

Dave Crawford, 7534 NE 175th St., Kenmore, was present to state his concerns relating to government spending.

ANNOUNCEMENT – Mayor David Baker announced that Kenmore had recently received \$650,000 in Transportation Grant monies. He stated that Kenmore is very fortunate, and he thanked Kenmore’s legislators at both the state and federal levels.

PROCLAMATION

Proclamation for “Arson Awareness Week” May 1st through May 7th

Mayor David Baker read the proclamation into the record. A representative from the Northshore Fire Department was present to accept the proclamation.

The Council approved the proclamation unanimously.

PRESENTATION

Presentation and Discussion: 2011 Historic Properties Survey Prepared by the King County Historic Preservation Program - Nancy Ousley, Assistant City Manager

The staff from the King County Historic Preservation were not able to attend this evening's meeting, so the presentation was moved forward to the May 9, 2011 Council Meeting.

BUSINESS AGENDA

Review and Discussion on Code Enforcement Current Process and Proposed Process - Bryan Hampson, Land Development and Permitting Director, was present to give a brief report. He stated that it is City management recommendation that the Council consider amending and updating the Code Enforcement program previously adopted as Chapter 1.20 in the Kenmore Municipal Code (KMC). He was also available to answer any questions.

Angelo Bonomi, Code Compliance Officer, was also in attendance to answer any questions.

Councilmember Glenn Rogers moved that staff be directed to proceed with the preparation of a Code Compliance ordinance. Deputy Mayor Milton Curtis seconded the motion. The motion passed unanimously.

COUNCILMEMBER COMMENTS/REPORTS

Councilmember John Hendrickson stated his concerns related to the accuracy of the budget numbers and questioned the legality of transferring funds without Council approval. He reviewed the financial sheets that he distributed to Council.

Councilmember Laurie Sperry stated that she supports the Finance Director and the accuracy of the 2011-2012 Budget. She stated that John Hendrickson is not the City Finance Director.

Mayor David Baker stated that we do have a Finance Director and that he trusts her opinion.

Councilmember Allan Van Ness stated that the 2011-2012 Budget was considered and adopted by the Council and that is final.

City of Kenmore - Regular Council Meeting Minutes
April 25, 2011

Councilmember Bob Hensel stated that the Finance Director's financial reports are extremely correct.

Councilmember Laurie Sperry gave an update on the Kenmore Library Advisory Board meeting. She stated that the architect for the library will be attending the meeting on May 9th.

Councilmember Glenn Rogers stated that he does not trust Councilmember John Hendrickson's numbers. He reiterated that the City does not need his financial help. He thanked all of those that went to Washington D.C. and Olympia to get the legislators to come on board and support the transportation funding. He stated that at 1:39 p.m. today, Councilmember John Hendrickson sent an e-mail to the City Manager. In the email Councilmember John Hendrickson requested that he wanted staff to compile specific documentation and that he would be at City Hall an hour before tonight's Council meeting to review it. He stated that Councilmember John Hendrickson did not show up. He stated that this is an example of why there is no trust between the rest of the Council and Councilmember John Hendrickson.

Councilmember John Hendrickson stated that no one got back with him to let him know it would be there for sure.

Councilmember Allan Van Ness reported on an organization that could evaluate our City by conducting an economic, environmental and administrative study. He stated that after reviewing their findings, they would report back to the City with recommendations/guidance. He stated that the organization helps identify where development sites are across the country.

Councilmember Allan Van Ness moved to direct the City Manager to evaluate whether we can afford to have this economic study conducted this fiscal year and to identify where the funds would come from and estimate the amount staff time it would take to pursue this study. Mayor David Baker seconded the motion. The motion passed 5-1-1 with Councilmember Glenn Rogers voting no and Councilmember John Hendrickson abstaining.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 8:10 p.m.

Mayor David Baker

ATTEST:

Lynn Suskin, City Clerk

City of Kenmore Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the following claims, paid by checks 23942 - 24042 which total \$357,799.06 are just, due, and unpaid obligations against the City of Kenmore/King County/Washington, and that I am authorized to authenticate and certify to said claims.


City Manager _____ Date _____

 6/3/11
Finance Director _____ Date _____

Check	Name	Description	Net amount
23942	BAKER, DAVID	Business Mtg. Mileage Reimbursement	\$ 119.83
23943	NATIONWIDE FINANCIAL 401a	Payroll Entry	9,778.53
23944	NATIONWIDE RETIREMENT SOLUTIONS 457	Payroll Entry	1,570.00
23945	ICMA RETIREMENT TRUST 457 - 304745	Payroll Entry	2,219.22
23946	DRS 457	Payroll Entry	1,706.66
23947	AFLAC	Payroll Entry	742.87
23948	CITY OF KENMORE FS	Payroll Entry	176.96
23949	BANK OF AMERICA 941	Payroll Entry	11,167.29
23950	WA GUARANTEED EDUCATION TUITION	Payroll Entry	415.00
23951	DEPARTMENT OF RETIREMENT SYSTEMS	Payroll Entry	6,891.11
23952	DEPARTMENT OF LABOR AND INDUSTRIES	Payroll Entry	1,397.12
23953	UNITED WAY OF KING COUNTY	Payroll Entry	92.00
23954	NATIONAL LIFE OF VERMONT	Payroll Entry	328.34
23955	AMERICAN GENERAL	Payroll Entry	348.43
23956	AWC EMPLOYEE BENEFITS	Payroll Entry	28,644.34
23957	BANNER BANK JG	Compute Hardware	4,640.63
23958	ADT SECURITY SERVICES	6700 Bldg Alarm Monitoring	280.50
23959	ALLIED WASTE SERVICES #172	April 2011 Trash Services	712.51
23960	CALPORTLAND COMPANY	Drainage Materials	63.24
23961	HOME DEPOT	Parks Repairs & Drainage Materials	302.67
23962	SOUND PUBLISHING, INC.	Kenmore Reporter Advertising	720.00
23963	NORTHSHORE UTILITY DIST	April 2011 Fleet Maintenance	3,183.01
23964	PEOPLES STORAGE	June 2011 Storage Unit	170.00
23965	PUGET SOUND ENERGY	Electricity Bills	6,050.97
23966	MIDMOUNTAIN CONTRACTORS, INC	SR 522 Ph. 2 Construction	3,982.43
23967	VAN NESS, ALLAN	April Bus. Mtgs. Meals, Mileage Reimb.	239.65
23968	QUALITY BUSINESS SYSTEMS	April 2011 Photocopier Usage	1,722.80
23969	COMCAST	May 2011 Internet Service	109.90
23970	PASSPORT TRAVEL AND TOURS	Travel Airfare	2,351.90
23971	INTEGRA TELECOM	May 2011 Phone Bill	736.08
23972	KING COUNTY RECORDER'S OFFICE	King County Recording Fee	63.00
23973	BANNER BANK LD	Special Events, Wellness, & SR 522	802.19
23974	BANNER BANK CS	Citizen Academy Supplies & Calendar	506.81

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

23975 BANNER BANK	NO	Rotary, LEED Plaque, & Parking	541.00
23976 BANNER BANK	KENMORE	Registration & Business Meetings	90.13
23977 BANNER BANK	JGORDON	Parks Materials	90.85
23978 BAKER, DAVID		NLC Conferences Per Diem	473.00
23979 NATIONWIDE FINANCIAL 401a		Payroll Entry	9,690.51
23980 NATIONWIDE RETIREMENT SOLUTIONS 457		Payroll Entry	1,570.00
23981 ICMA RETIREMENT TRUST 457 - 304745		Payroll Entry	2,219.22
23982 DRS 457		Payroll Entry	1,706.66
23983 CITY OF KENMORE FS		Payroll Entry	176.96
23984 BANK OF AMERICA 941		Payroll Entry	11,623.68
23985 DEPARTMENT OF RETIREMENT SYSTEMS		Payroll Entry	6,962.47
23986 DEPARTMENT OF LABOR AND INDUSTRIES		Payroll Entry	1,312.00
23987 AMERICAN PLANNING ASSOCIATION		Annual Membership Dues	431.00
23988 BRAVO ENVIRONMENTAL SERVICE		Drainage Services	23,972.50
23989 CASCADE PEST CONTROL		Rodent Inspection & Pest Control	344.93
23990 CONSOLIDATED PRESS		Postcard Printing	653.39
23991 AFLAC		Jan. & Feb. 2011 Admin Fees	100.00
23992 FRUHLING SAND & TOPSOIL		Roadway Materials	21.00
23993 H.W. LOCHNER, INC.		SR 522 Ph 1 St 2 Engineering & Signal Imp.	13,594.01
23994 KING COUNTY W.L.R.D.		Q1 2011 SWM Agreement	19,454.61
23995 KING COUNTY ANIMAL SVCS		Pet Licenses	1,100.00
23996 KING COUNTY FINANCE		March 2011 Adult Detention & Streets	31,697.59
23997 KING COUNTY SHERIFF		March & April School Dist. Overtime	7,472.92
23998 NORTSHORE FIRE DEPT		April 2011 Fire Marshal Plan Review	640.00
23999 NORTSHORE UTILITY DIST		Parks, City Hall, Property Water Bills	1,813.72
24000 OTAK		SR 522 Ph 2 Final Design/ROW	4,085.68
24001 PUGET SOUND ENERGY		Electricity Bills	2,579.25
24002 CEMEX		Roadway Materials	278.40
24003 STAPLES ADVANTAGE		Misc. Office Supplies	751.13
24004 TOTAL LANDSCAPE CORP		May 2011 Parks & SR 522 Maint.	6,404.21
24005 WASHINGTON STATE DEPT OF INFO SERV		April 2011 List Serv & Software	7,120.80
24006 HEARTLAND		April 2011 Redevelopment Project	5,541.00
24007 MAIL FINANCE		May 2011 Postage Machine Lease	250.76
24008 KONICA MINOLTA BUSINESS SOLUTIONS		Photocopier Software Licenses	684.38
24009 SOUND LAW CENTER		Hearing Examiner Services	798.00
24010 DIGITAL REPROGRAPHICS SERVICES INC.		Public Records Request Printing	31.80
24011 HDR		SR 522 Ph. 2 Construction Engineering	42,897.22
24012 TRAFFIC COUNT CONSULTANTS, INC		May 2011 SR 522 Traffic Counts	800.00
24013 JOHN E. REID & ASSOCIATES		PD Training Registration	580.00
24014 QUALITY BUSINESS SYSTEMS		March 2011 Photocopier Usage	630.19
24015 CHAMPION COURIER		Courier Services	45.42
24016 A+ CONFERENCING		Telephone Conference Calls	33.06
24017 UNIVERSAL FIELD SERVICES		Schmitt Property Acquisition	595.45
24018 SHRED-IT		Document Shredding Services	49.50
24019 SHATTUCK, NANCY		April 2011 DV Advocate	800.00
24020 OM WORKSPACE		Police Dept. Furniture	4,559.16
24021 ALCALDE & FAY		April 2011 Govt. Consulting	5,175.09
24022 ALLIANCE OF PEOPLE W/ DISABILITIES		Q4 2010 Youth In Transition	386.25
24023 SUNBELT		Propane Tank Refill	49.96
24024 UNIVERSITY OF WASHINGTON		Training Registration	565.00
24025 GORDON THOMAS HONEYWELL		April 2011 Consulting	3,074.54

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

24026 TOWNE CENTRE HARDWARE	Drainage, Roadway, & Parks Materials	65.11
24027 PHSI PURE WATER FINANCE	City Hall Filtered Water	301.89
24028 AM TEST, INC	Water Testing Analysis	150.00
24029 INDEPENDENT STATIONERS	Misc. Office Supplies	1,344.88
24030 DOWL HKM	61st Ave. NE Drainage Study	3,545.00
24031 WELLS FARGO FINANCIAL	April & May 2011 Photocopier Lease	1,952.04
24032 ACTIVE SHOOTER TRAINING LLC	PD ASAP Equipment	240.90
24033 SHARAM FAMILY	Shay Short Plat ROW Agreement	19,444.40
24034 FEASEL, ROBERT	61st Place NE Slide Area Easement	665.00
24035 RODGERS, MICHAEL	61st Place NE Slide Area Easement	184.00
24036 AMES2BFIT	Wellness Program Activity	50.00
24037 ARGENS	Traffic Count Program Supplies	15.88
24038 HOPKINS, CRAIG	March - May Mileage Reimbursement	171.87
24039 DEVRIES, DENIS	April & May Mileage Reimbursement	89.25
24040 GREYSTONE COMMERCIAL SERVICE LP	Parks Clean-Up Supplies	174.79
24041 DBM CONTRACTORS, INC	61st. Ave NE Slide Repair	4,332.60
24042 HARRIS COMPUTER SYSTEMS	City View Annual Maintenance Contract	6,317.06
		<u>\$ 357,799.06</u>

PRIOR VENDOR ACTIVITY

	Previous YTD
3CMA	\$ 375.00
A+ CONFERENCING	96.31
AA PARTY RENTALS	379.96
ACTION ENTERTAINMENT	395.00
ACTIVE SHOOTER TRAINING LLC	575.00
ADT SECURITY SERVICES	531.76
AFLAC	4,895.38
ALCALDE & FAY	30,168.35
ALLIED WASTE SERVICES #172	4,269.80
ALPHA COURIER SERVICES	33.60
AM TEST, INC	725.00
AMERICAN GENERAL	2,090.58
AMERICAN PLANNING ASSOCIATION	1,070.00
AMERICAN PUBLIC WORKS ASSOCIATION	503.42
AMERICAN SOCIETY OF COMPOSERS	305.00
ANDERSON, LAURI	27.94
ANDONIADIS INC	826.17
ASSOCIATION OF WA CITIES	13,970.00
AT WORK	1,230.25
AURORA RENTS	215.47
AWC EMPLOYEE BENEFITS	179,492.67
BABB, MICHELLE	186.92
BAKER, DAVID	1,466.98
BANK OF AMERICA 941	139,478.90
BANNER BANK BH	327.66
BANNER BANK CS	2,995.98

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

BANNER BANK	DB	930.49
BANNER BANK	JG	1,625.57
BANNER BANK	JGORDON	5,516.33
BANNER BANK	KENMORE	19,319.63
BANNER BANK	LB	976.12
BANNER BANK	LD	3,492.77
BANNER BANK	NO	2,333.09
BASTYR UNIVERSITY		194,494.20
BAYLES, GREGORY		50.00
BEKINS NORTHWEST		303.45
BIS		3,075.00
BLACKBAUD		4,956.23
BODINE CONSTRUCTION SERVICES, INC		383.25
BOTHELL SKI & BIKE		120.44
BRAVO ENVIRONMENTAL SERVICE		84,030.97
C. ANDERSON & CO.		1,209.98
CALIBRE HOMES, INC		7,500.00
CALPORTLAND COMPANY		1,974.53
CARLSON, THOMAS G.		624.66
CASCADE PEST CONTROL		755.58
CATHOLIC COMMUNITY SERVICES		3,012.75
CEMEX		2,384.63
CENTER FOR HUMAN SERVICES		16,140.00
CHAMPION COURIER		32.83
CHILDERS, MARK		401.00
CITY OF BELLEVUE		389,834.50
CITY OF CLYDE HILL		583.00
CITY OF KENMORE FS		2,018.43
CITY OF LAKE FOREST PARK		368,050.31
CITY OF RENTON		980.00
CITY OF SHORELINE		558.99
CLARITY SIGNS		338.36
CLYDE/WEST		1,215.87
COASTAL WEAR PRODUCTS INC		1,350.51
COASTWIDE LABORATORIES		4,644.97
CODE 4 PUBLIC SAFETY EDUCATION		198.00
CODE PUBLISHING COMPANY		547.50
COFFMAN, JON		183.00
COLUMBIA RIDGE LANDFILL		12,319.59
COMCAST		659.40
COMMERCIAL SOUND, INC.		1,444.26
CONSEJO COUNSELING & REF		1,250.00
CONSOLIDATED PRESS		3,729.67
CORNERSTONE ROOFING		98.50
COSTCO RETAIL SERVICES		27.62
COX PRINTING & SIGNS		399.68
CPSWQ		100.00
CROWN PRODUCTS		940.86
CSAT, LLC		1,600.00
CURRY, ROSS		183.00
DAILY JOURNAL OF COMMERCE		703.00

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

DANSOUND INC	657.00
DELL MARKETING L.P.	4,275.06
DEPARTMENT OF ECOLOGY	5,082.52
DEPARTMENT OF LABOR AND INDUSTRIES	16,100.74
DEPARTMENT OF RETIREMENT SYSTEMS	87,727.49
DIGITAL REPROGRAPHICS SERVICES INC.	1,086.05
DOWL HKM	8,180.00
DRS 457	19,521.42
DURRANT, JEFF	879.25
EARTHCORPS	15,204.18
EAST JORDAN IRON WORKS	1,152.48
EFFICIENCY INC	949.37
EMERGENCY FEEDING PROGRAM	2,500.00
EMERGENCY SERVICE COORDINATING AGCY	56,137.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	2,554.01
ESA ADOLFSON	9,049.02
EVANS, C. WILLIAM	5,247.00
EVERGREEN PRINT SOLUTIONS	372.41
EVERGREEN SAFETY COUNCIL	175.00
EVER-MARK, LLC	1,099.25
FAZZARI MARKETING	1,411.18
FEDEX OFFICE	26.61
FERGUSON ENTERPRISES INC	9,089.62
FIRE PROTECTION, INC	959.22
FRONTIER	6,026.60
FRUHLING SAND & TOPSOIL	988.28
FULL MAINTENANCE GARDENING	2,313.90
GEOENGINEERS INC	19,783.25
GIBBONS & RIELY, PLLC	750.00
GORDON DERR	4,266.00
GORDON THOMAS HONEYWELL	18,506.54
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	5,835.91
GRAY & OSBORNE, INC	2,386.37
GREGORY, JOANNE	415.68
H.W. LOCHNER, INC.	120,512.16
HAMMOND COLLIER WADE LIVINGSTONE	1,050.00
HANSON CONSULTING SERVICES	1,269.00
HARRIS, LESLIE	367.01
HDR	90,148.11
HEARTLAND	8,731.96
HEATERMEALS	1,193.21
HERO HOUSE	773.75
HOME DEPOT	424.51
HONEY BUCKET	125.00
HOPELINK	28,544.00
ICMA RETIREMENT TRUST 457 - 304745	25,880.64
ICOMPASS TECHNOLOGIES, INC.	8,000.00
INDEPENDENT STATIONERS	2,228.19
INFRASOURCE CONTRACTING LLC	29.36
INSLEE, BEST, DOEZIE & RYDER, P.S.	107,576.33

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

INSTITUTE FOR FAMILY DEVELOPMENT	3,938.00
INSTRUMENTATION NORTHWEST INC.	1,560.58
INTEGRA TELECOM	4,460.32
INTERNATIONAL CITY/CNTY MGMT ASSOC	2,154.43
INTERNATIONAL INST OF MUNI CLERKS	560.00
iWORQ SYSTEMS	4,800.00
J&K ASSOCIATES	10,789.04
J. MURPHEY CONSTRUCTION	42.67
JBS INSTRUMENTS	3,360.75
JET CITY PRINTING	3,832.48
JONES & STOKES	129.31
KCDA PURCHASING COOP	8,771.33
KELLY PRINTING & GRAPHICS	3,611.32
KENMORE ELEMENTARY PTA	3,666.67
KENMORE HERITAGE SOCIETY	25.00
KENYON DISEND, PLLC	13,166.87
KEY EQUIPMENT FINANCE	2,697.00
KING COUNTY	200.00
KING COUNTY W.L.R.D.	154,394.93
KING COUNTY ANIMAL SVCS	2,455.00
KING COUNTY DEPT OF CONST PROP SVCS	1,503.57
KING COUNTY FINANCE	478,208.42
KING COUNTY FIRE DISTRICT	850.00
KING COUNTY LIBRARY SYS	33,440.00
KING COUNTY PARKS	814.34
KING COUNTY PUBLIC DEFENSE	4,254.70
KING COUNTY RADIO COMM SERVICES	8,982.46
KING COUNTY RECORDER'S OFFICE	280.00
KING COUNTY SHERIFF	727,474.29
KING COUNTY TREASURY	38,465.70
KONICA MINOLTA BUSINESS SOLUTIONS	4,818.98
KUKER-RANKEN INC	464.71
KUSTOM SIGNALS, INC.	263.09
LACHAPELLE, NATALIE	300.00
LIGHTHOUSE CONSULTING INC	10,913.04
LOEWEN, RON	76.00
LONGFELLOW, JONATHAN	420.00
LORBIECKI, GLENN	50.00
LYONS, KEN	6,687.40
MAACO	368.96
MAAS, NORMAN	2,520.00
MAIL FINANCE	1,517.10
MATRIX CONSULTING GROUP	20,366.00
MIDMOUNTAIN CONTRACTORS, INC	78,868.17
MILNE ELECTRIC, INC	24,187.00
MINZGHOR, NICHOLAS	1,411.92
MOBILE ELECTRICAL DISTRIBUTORS INC	12.13
MR. T'S TROPHIES	830.62
NAMI EASTSIDE	400.00
NATIONAL ALLIANCE ON MENTAL ILLNESS	1,081.50
NATIONAL ASSOC OF PARLIAMENTARIANS	85.00

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

NATIONAL BARRICADE CO	1,582.27
NATIONAL LEAGUE OF CITIES	3,849.00
NATIONAL LIFE OF VERMONT	2,192.09
NATIONWIDE FINANCIAL 401a	112,656.27
NATIONWIDE RETIREMENT SOLUTIONS 457	10,090.00
NEBC	195.00
NEXTEL COMMUNICATIONS	4,798.66
NORTHSHORE FIRE DEPT	5,922.60
NORTHSHORE PAVING INC	537.90
NORTHSHORE SENIOR CENTER	11,750.00
NORTHSHORE UTILITY DIST	51,252.89
NORTHSHORE YOUTH & FAMILY SERVICES	17,500.00
OAC SERVICES, INC	43,727.21
OFFICE DEPOT	842.99
OFFICE TEAM	10,533.71
OLYMPIC ENVIRONMENTAL RESOURCES	1,470.00
OM WORKSPACE	744.43
OSTROM DRUGS	557.40
OTAK	117,966.95
OUSLEY, NANCY	1,108.08
PACE ENGINEERS, INC.	3,057.50
PACIFIC NW TITLE CO OF WA, INC	1,095.00
PACIFIC TOPSOILS	6,065.19
PASSPORT TRAVEL AND TOURS	625.80
PAWS	3,785.00
PENDLETON CONSULTING LLC	7,760.57
PEOPLES STORAGE	1,020.00
PETTY CASH CUSTODIAN	730.70
PHOTOTAINMENT	876.00
PHSI PURE WATER FINANCE	603.78
PLATT	506.41
PRIME PACIFIC BANK	60.00
PRSA	277.00
PRUDENTIAL	746.26
PUGET SOUND CLEAN AIR AGENCY	10,989.00
PUGET SOUND ENERGY	573,232.90
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
PUGET SOUND REFRIGERATION	2,207.52
PURE WATER TECH OF PUGET SOUND	136.88
QUALITY BUSINESS SYSTEMS	7,636.61
ROGERS, GLENN	2,512.74
RON KASPRISIN AIA	902.29
ROUNDY, CASSANDRA	50.00
S & S UPHOLSTERY	1,067.63
SAFRIN, PATTY	979.57
SARAH ROBERTS	54,900.00
SCHINDLER ELEVATOR CORPORATION	380.73
SCHLOTZHAUER FIRM PS	13,080.00
SEATTLE TIMES	2,665.22
SECRETARY OF STATE	55.00
SEES TREES AND EXCAVATION INC	1,007.40

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

SEMAHMOO RESORT	520.56
SERVICE ELECTRIC	869.08
SHATTUCK, NANCY	4,000.00
SHRED-IT	297.00
SNOHOMISH COUNTY SHERIFF'S OFFICE	33,014.87
SOUND LAW CENTER	4,739.00
SOUND PUBLISHING, INC.	1,296.00
STAPLES ADVANTAGE	4,225.98
STAR NORTHWEST, INC	56,941.47
STEWART BEALL MACNICHOLS	15,300.00
STOUDER, FRED	1,288.01
SUBURBAN CITIES ASSOC	11,784.87
SUNBELT	69.59
SUSKIN, LYNN	626.10
SUSSMAN/PREJZA & CO, INC	39,984.69
TELESYSTEMS WEST	257.33
THE KIPLINGER TAX LETTER	89.00
THE PIN CENTER	920.00
TIGER CONSTRUCTION & EXCAVATION	5,950.00
TIMEMARK INCORPORATED	106.76
TITAN OUTDOOR, LLC	862.00
TOTAL LANDSCAPE CORP	39,345.06
TOWN & COUNTRY FENCE, INC	427.05
TOWNE CENTRE HARDWARE	311.67
TRAFFIC COUNT CONSULTANTS, INC	2,850.00
TRAN, SHAUN & DINH LIEU	415.80
T-TRAN LANDSCAPING & CONCRETE	8,760.00
ULI/SEATTLE DISTRICT CNCL	45.00
UNITED STATES POSTMASTER	1,440.19
UNITED WAY OF KING COUNTY	713.00
UNIVERSAL FIELD SERVICES	6,989.55
UNIVERSITY OF WASHINGTON	645.00
URBAN LAND INSTITUTE	225.00
US POSTAL SERVICE (HASLER)	4,450.82
VAN NESS, ALLAN	1,476.80
VAUGHAN, KENT	76.00
WA CITIES INSURANCE AUTHORITY	124,502.00
WA FINANCE OFFICERS ASSOCIATION	100.00
WA GUARANTEED EDUCATION TUITION	2,490.00
WA RECREATION & PARK ASSOCIATION	129.00
WA STATE DEPARTMENT OF AGRICULTURE	33.00
WA STATE DEPT OF LABOR & INDUSTRIES	120.20
WA STATE DEPT OF TRANSPORTATION	3,877.31
WA STATE PARKS & RECREATION	2,700.00
WARDS NATURAL SCIENCE	1,237.95
WASHINGTON CITY/COUNTY MGMT ASSOC	160.00
WASHINGTON ENERGY SERVICES	120.70
WASHINGTON MILITARY DEPARTMENT	5,009.34
WASHINGTON MUNICIPAL CLERKS ASSOC	75.00
WASHINGTON STATE DEPT OF INFO SERV	1,260.00
WASHINGTON STATE DEPT OF REVENUE	5,003.62

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

WASHINGTON STATE OFFICE CASH MGMT	517.50
WEINSTEIN AU	22,005.11
WELLS FARGO FINANCIAL	803.43
WONDERLAND DEVELOPMENT	8,540.00
YAKIMA COUNTY DEPT OF CORRECTIONS	59,400.05
ZONAR SYSTEMS	525.33
	<u>\$ 5,506,781.00</u>

VB. Approval of Claim Nos. 23942 - 24042 for a total amount of \$357,799.06 for the period ending June 2, 2011.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Accept February 2011 Financial Reports for the City of Kenmore, Washington			June 13, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Finance	Joanne Gregory	Joanne Gregory	425-398-8900
COST OF PROPOSAL: N/A		ACCOUNT NUMBER: Various	
AMOUNT BUDGETED: 2011-2012 Adopted City Budget \$37,128,075		NAME AND FUND #: All Funds	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1. February 2011 Financial Reports for the City of Kenmore, Washington			
SUMMARY STATEMENT: The February monthly financial report is submitted for Council review and adoption. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's year to date revenues and expenditures in comparison to the City's 2011-2012 adopted biennial budget. It also provides an early opportunity to identify any potential variances or fluctuations from the adopted budget. February is the second month of the new biennium. Sales tax and real estate tax (REET) revenues are low, especially when compared to already low results in 2009 and 2010. The March 2011 Economic & Revenue Update from the Washington State Economic and Revenue Forecast Council included these statements: "The national economic recovery remains fragile, as the outlook is clouded by uncertainty about gas prices. Boeing's tanker win will provide an important economic and psychological boost to Washington. The state's job market continues to gradually improve. New home construction remains weak but is improving. Construction employment continues to decline, dragged down mainly by losses in nonresidential construction. Construction employment remains a drag on the overall economy. Nearly all the decline from 11,891 in January in construction employment during the last three months has been in nonresidential construction and related special trades employment. We believe the decline in housing related employment is pretty much over but nonresidential construction employment growth will not turn positive until 2012. In spite of a recovery in 2012 and 2013, construction employment will still be 54,700 below its previous peak at the end of 2013." On a national level, the unemployment rate fell to 8.9% in February from 9.0% in January, the lowest rate since April, 2009 but not much of an improvement. The Dow Jones closed at 12,226, still trending up.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Accept February 2011 Financial Report for the City of Kenmore, Washington			
REVIEWED BY FINANCE DIRECTOR: JMG 		REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:
TODAY'S DATE: May 31, 2011	REVISION DATE(S):		FILE NAME & PATH (HYPERLINK)

I:\Admin & Finance\Monthly Reports\2011\Feb AB Summary.docx

VC.

Accept February 2011 Financial Report for the City of Kenmore – Joanne Gregory, Financial



The City of Kenmore

PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM]

TO: Frederick C. Stouder, City Manager
FROM: Joanne Gregory, Finance Director
DATE: May 31, 2011
RE: February 2011 Financial Reports for the City of Kenmore, Washington

February 2011 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- All Funds Cash Summary
- Other Funds Monthly Activity
- Cash and Investment Report
- Schedule of Investments
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Monthly Report for Kenmore Village
- SR 522 Phase I Revenue and Expenditure History
- SR 522 Phase II Revenue and Expenditure History

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

GENERAL FUND

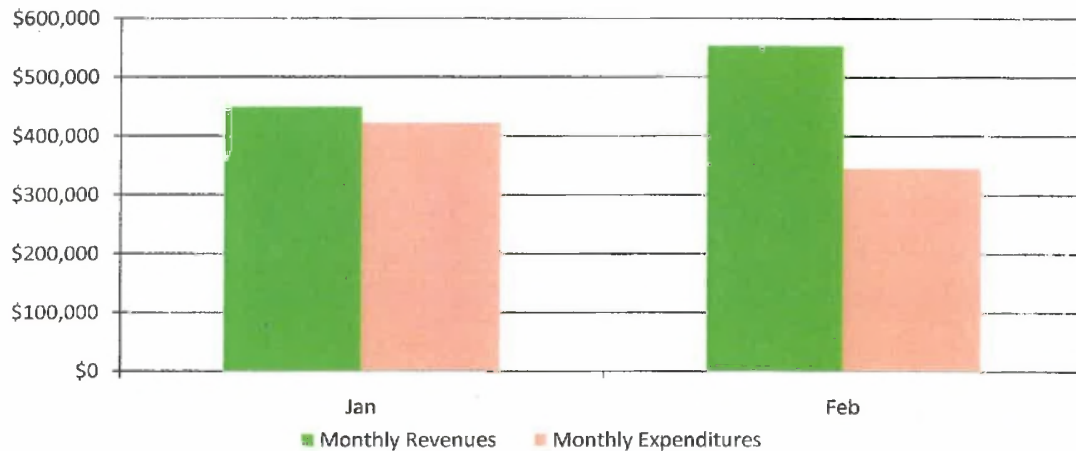
The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service.

In the context of the biennial budget, this is the second month (8.33%) of the 2011-2012 biennial budget period.

For the month of February, revenues exceeded expenditures in the General Fund by **\$207,706**.

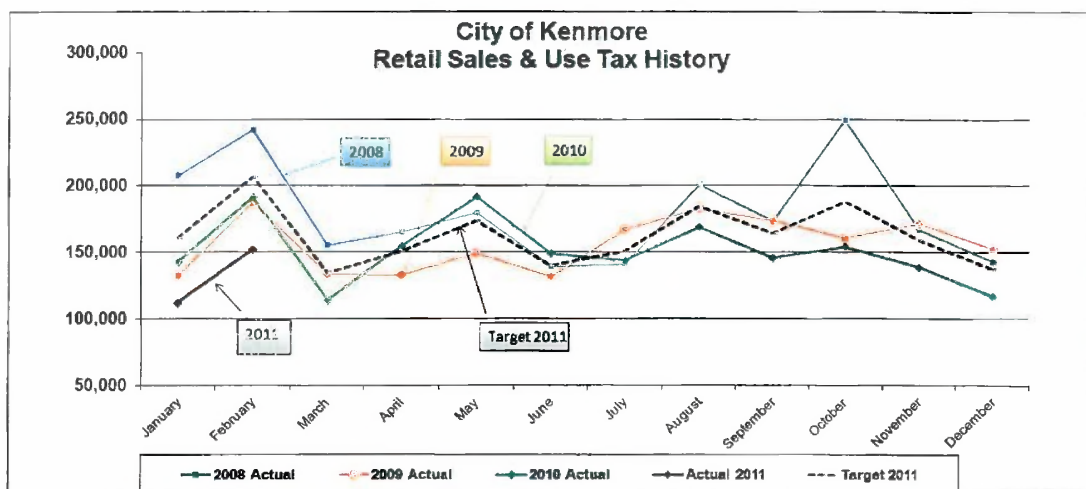
City of Kenmore, Washington
Monthly Financial Report
February 2011

The following chart illustrates the revenue and expenditure activity in the General Fund as of February, 2011.

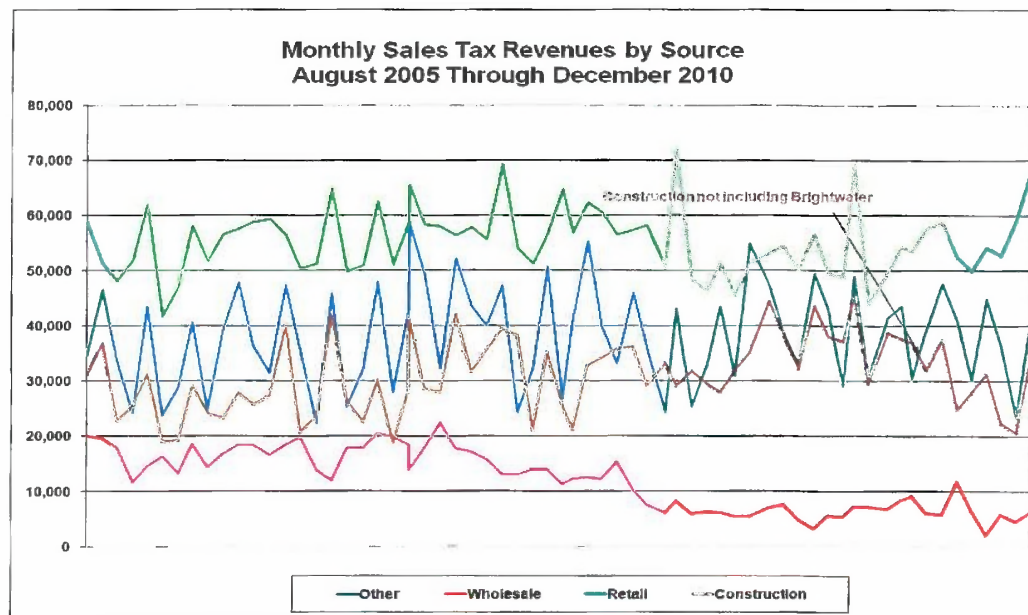


Total **revenues** for the month were **\$553,317**. Year to date the revenues are \$1,003,584 which is 5.3% of the biennial budgeted revenues of \$18,833,596. Primary sources of revenue for the month included retail sales and use taxes in the amount of \$152,001, and utility taxes in the amount of \$143,414. Also franchise fees of \$129,225 were received which included late payments from 2010.

A summary of sales tax revenues received in February is attached. These receipts are based on December sales activity and are lower, for this month, than the previous three years. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2011 line is a monthly average of actual receipts by month during 2008, 2009, and 2010. The black dot represents 2011 actual receipts.



The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from August, 2005 through December 2010. Construction sales taxes are shown without the benefit of the Brightwater construction project. This category had the benefit of the city hall, Bastyr dorms, and fire station construction projects which have been completed or are near completion. The King County Library construction project is currently underway but will be completed in a couple of months. Other segments have not yet experienced significant, prolonged downturns; however wholesale and manufacturing receipts have definitely fallen off.



February 2011 expenditures were **\$345,611** which is 4.0% of the biennial budget expenditures of \$19,256,668.

The General Fund 2011-2012 budgeted beginning fund balance is \$4,941,884. This is a substantial reserve and represents 53% of the budgeted 2011 expenditures.

OTHER FUNDS

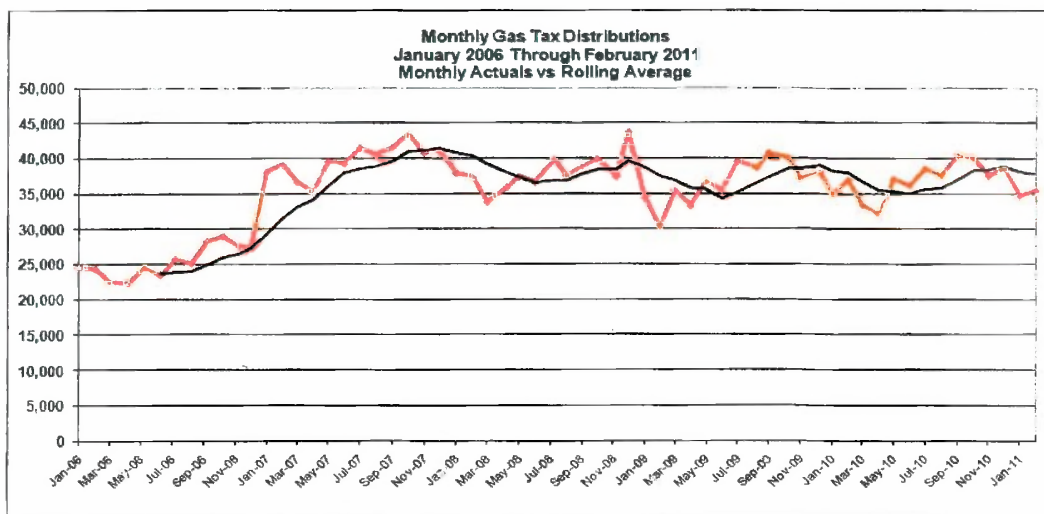
The February cash activity for all funds is presented on the attached All Funds Cash Summary. Total City cash and investments, at the end of January, totaled \$17,356,888. This balance does not include cash of \$443,489 held as retainage on the city hall construction project. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2011-2012 biennial budget.

City of Kenmore, Washington
Monthly Financial Report
February 2011

Other than the following, there were no significant transactions or unusual activities noted during the month of February. Total other fund (non General Fund) revenues were \$106,081 and total other fund (non-General Fund) expenditures were \$265,019.

In the **Street Fund** revenue from gas tax distributions was \$35,434.

The following chart shows recent gas tax receipts through February, 2011. As the price of gas is again on the rise, expect to see a reduction of gas tax revenues due to economizing by the public and increased use of fuel efficient vehicles.

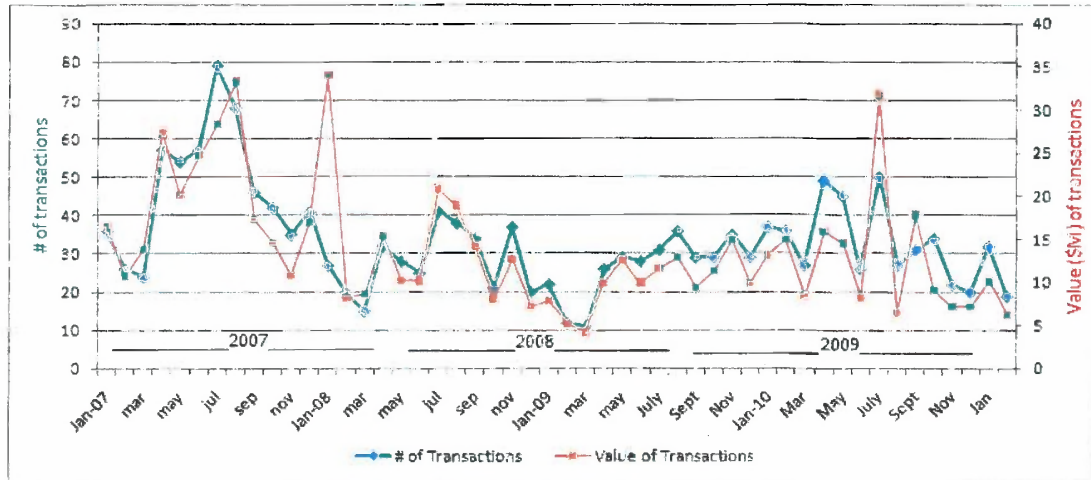


Park impact fees of \$4,826 and **transportation impact fees** of \$16,044 were received in February.

The **Municipal Capital Fund** received \$27,294 of real estate excise taxes (REET) in February from sales activity that occurred in January. 19 transactions were reported this month.

The attached Real Estate Excise Tax Report shows the monthly activity since 2007. Below is a chart that shows both the number of real estate transactions and the value of those transactions for the years 2007, 2008, 2009, 2010. It is evident that there are a stable number of monthly transactions but not at the peak level experienced in 2007.

City of Kenmore, Washington
Monthly Financial Report
February 2011



SUMMARY

This concludes the financial report for the City of Kenmore as of **February 28, 2011**. Thank you for taking the time to review the materials. I appreciate your feedback and encourage you to contact the City Manager if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
February 28, 2011



	CURRENT PERIOD 2011-2012				PRIOR PERIOD 2009-2010		
	CURRENT	YEAR TO DATE	% of	BIENNIUM BUDGET	PRIOR	YEAR TO DATE	BIENNIUM BUDGET
	February 2011	2011	BUDGET	2011-2012	February-2010	2010	2009-2010
REVENUES							
Beginning Fund Balance				4,941,884	-		3,683,966
Property Taxes	38,306	48,396	0.6%	8,254,387	42,507	53,292	7,870,521
Sales and Use Taxes	193,533	337,267	7.8%	4,339,202	232,086	405,600	4,486,179
Utility Taxes	143,414	289,238	9.6%	3,002,082	128,370	280,824	3,001,932
Other Taxes	7,362	8,043	7.7%	104,104	6,307	7,684	145,900
Development Fees & Permits	39,408	83,138	5.8%	1,439,095	56,907	90,721	1,803,313
Franchise Fees	129,225	193,553	35.9%	538,588	64,096	64,096	466,900
Intergovernmental and Grants	0	39,034	5.1%	761,476	24,378	63,157	760,841
Investment Interest	1,803	4,134	7.4%	56,000	3,443	-59,658	180,000
Fines and Forfeitures	0	362	0.0%	0	0	0	0
Transfers and Other Revenues	266	419	0.1%	338,662	1,695	2,595	235,220
Total Revenues	553,317	1,003,584	5.3%	18,833,596	559,789	908,311	18,950,806
Total Revenues & Beginning Fund Balance				23,775,480			22,634,772

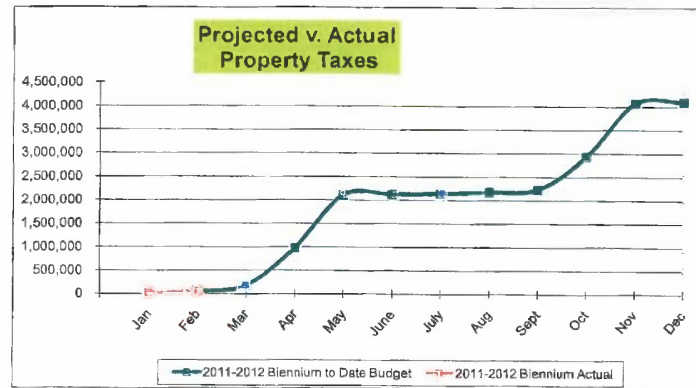
	CURRENT PERIOD 2011-2012				PRIOR PERIOD 2009-2010		
	CURRENT	YEAR TO DATE	% of	BIENNIUM BUDGET	PRIOR	YEAR TO DATE	BIENNIUM BUDGET
	February 2011	2011	BUDGET	2011-2012	February-2010	2010	2009-2010
EXPENDITURES							
Cost Center							
City Council	11,135	16,802	7.7%	217,644	12,062	21,653	184,307
City Manager	55,207	105,614	6.3%	1,684,600	58,346	143,062	1,576,240
City Clerk	18,482	38,422	7.2%	536,261	18,231	43,096	503,323
Finance	25,648	43,841	6.9%	639,213	18,742	49,770	484,516
Legal	9,472	9,472	2.3%	412,000	26,134	44,596	415,000
Non-Departmental	8,687	203,114	13.3%	1,532,818	44,231	268,273	1,774,827
Interfund Transfers	0	0	0.0%	1,623,013	0	0	3,296,095
Public Safety	15,180	45,647	0.6%	7,664,363	47,358	317,225	6,969,090
Engineering	33,717	67,607	6.3%	1,074,935	28,084	63,857	1,197,788
Planning & Community Dev	29,050	52,442	7.0%	747,632	113,040	218,766	3,358,755
Land Dev & Permitting	41,717	81,679	5.2%	1,571,147		0	0
Parks & Facility Maintenance	97,316	103,546	6.7%	1,553,042	27,627	76,252	1,001,942
Total Expenditures	345,611	768,186	4.0%	19,256,668	393,855	1,246,550	20,761,883
Ending Fund Balance				4,518,812			1,872,888
Total Expenditures and Ending Fund Balance				23,775,480			22,634,771

City of Kenmore, Washington
General Fund Revenue Graphs
February 28, 2011

PROPERTY TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	10,862	10,090
Feb	53,674	48,396
Mar	178,078	
Apr	977,365	
May	2,104,307	
June	2,128,886	
July	2,141,268	
Aug	2,178,622	
Sept	2,234,210	
Oct	2,939,254	
Nov	4,071,083	
Dec	4,106,680	
2011	4,106,660	

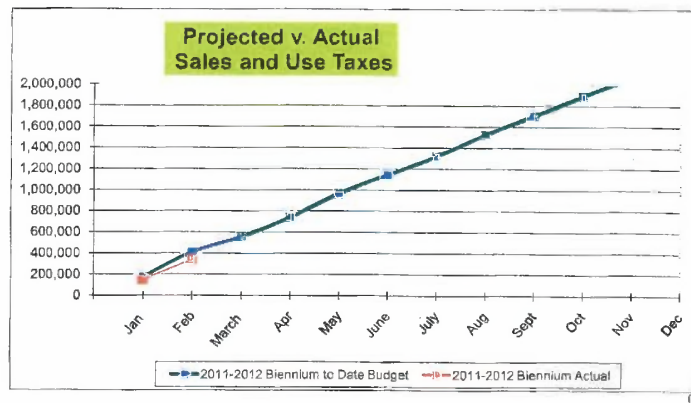
Year To Date
 Actual v. Projected 1.18%



SALES, USE, CRIM JUSTICE TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	174,792	143,734
Feb	408,586	337,287
March	552,562	
Apr	738,057	
May	964,931	
June	1,145,610	
July	1,320,155	
Aug	1,526,322	
Sept	1,706,765	
Oct	1,894,218	
Nov	2,069,709	
Dec	2,219,601	
2011	2,219,601	

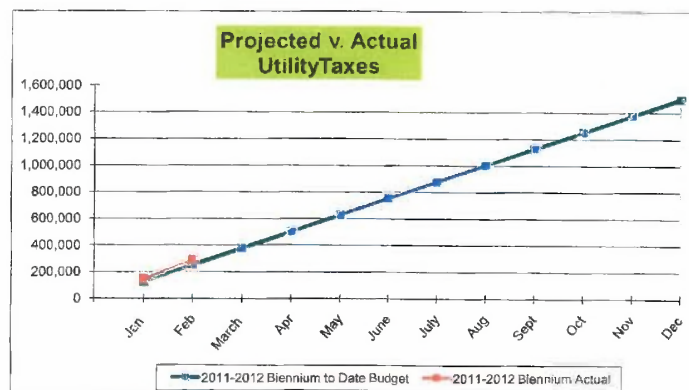
Year To Date
 Actual v. Projected 15%



UTILITY TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	125,087	145,824
Feb	250,173	289,238
March	375,260	
Apr	500,347	
May	625,433	
June	750,520	
July	875,607	
Aug	1,000,693	
Sept	1,125,780	
Oct	1,250,867	
Nov	1,375,953	
Dec	1,501,040	
2011	1,501,040	

Year To Date
 Actual v. Projected 19%

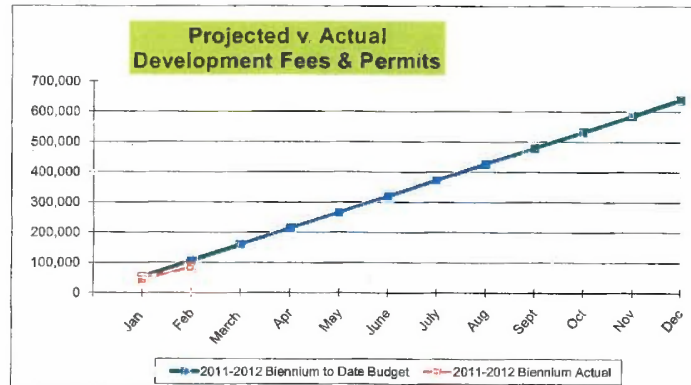


**City of Kenmore, Washington
General Fund Revenue Graphs
February 28, 2011**

DEVELOPMENT FEES & PERMITS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	53,274	43,730
Feb	106,549	83,138
March	159,823	
Apr	213,097	
May	266,372	
June	319,646	
July	372,920	
Aug	426,195	
Sept	479,469	
Oct	532,743	
Nov	586,018	
Dec	639,292	
2011	639,292	

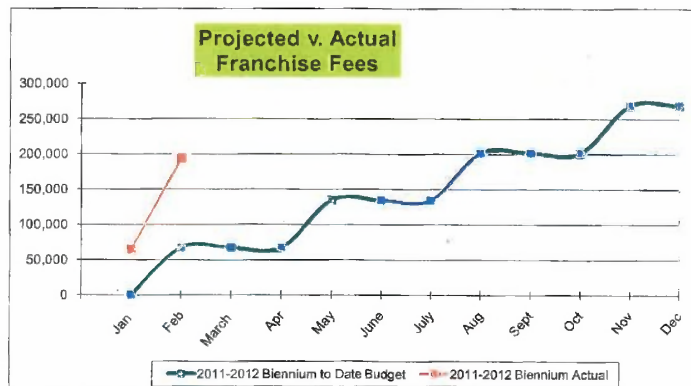
Year To Date
Actual v. Projected 13%



FRANCHISE FEES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	0	84,328
Feb	67,324	193,553
March	67,324	
Apr	67,324	
May	134,647	
June	134,647	
July	134,647	
Aug	201,971	
Sept	201,971	
Oct	201,971	
Nov	269,294	
Dec	269,294	
2011	269,294	

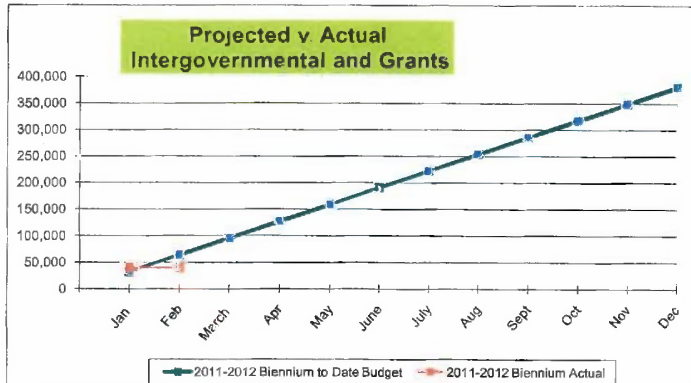
Year To Date
Actual v. Projected 72%



INTERGOVERNMENTAL & GRANTS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	31,728	39,034
Feb	63,456	39,034
March	95,185	
Apr	126,913	
May	158,641	
June	190,369	
July	222,097	
Aug	253,825	
Sept	285,554	
Oct	317,282	
Nov	349,010	
Dec	380,738	
2011	380,738	

Year To Date
Actual v. Projected 10%



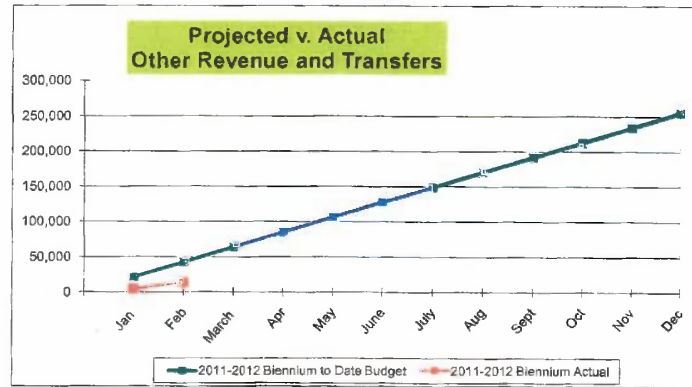
**City of Kenmore, Washington
General Fund Revenue Graphs
February 28, 2011**

OTHER REVENUES AND TRANSFERS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	21,279	3,527
Feb	42,558	12,958
March	63,836	
Apr	85,115	
May	106,394	
June	127,673	
July	148,951	
Aug	170,230	
Sept	191,509	
Oct	212,788	
Nov	234,066	
Dec	255,345	
2011	255,345	

Year To Date
Actual v. Projected

5%

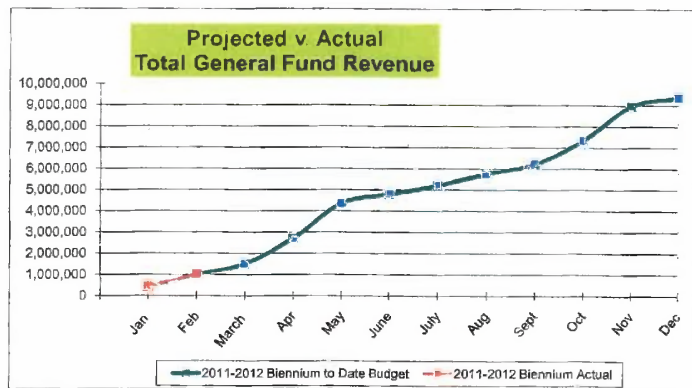


TOTAL GENERAL FUND REVENUE

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	417,023	450,267
Feb	992,321	1,003,584
March	1,492,068	
Apr	2,708,218	
May	4,360,726	
June	4,797,351	
July	5,215,646	
Aug	5,757,859	
Sept	6,225,257	
Oct	7,348,123	
Nov	8,955,134	
Dec	9,371,971	
2011	9,371,971	

Year To Date
Actual v. Projected

10.71%

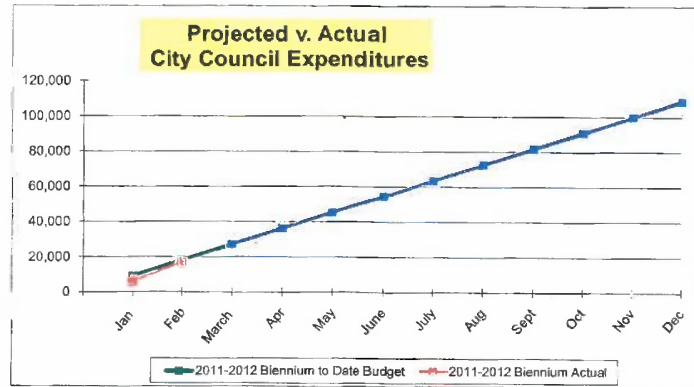


**City of Kenmore, Washington
General Fund Expenditure Graphs
February 28, 2011**

CITY COUNCIL

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	9,066	5,667
Feb	18,133	16,802
March	27,199	
Apr	36,266	
May	45,332	
June	54,399	
July	63,465	
Aug	72,531	
Sept	81,598	
Oct	90,664	
Nov	99,731	
Dec	108,797	
2011	108,797	

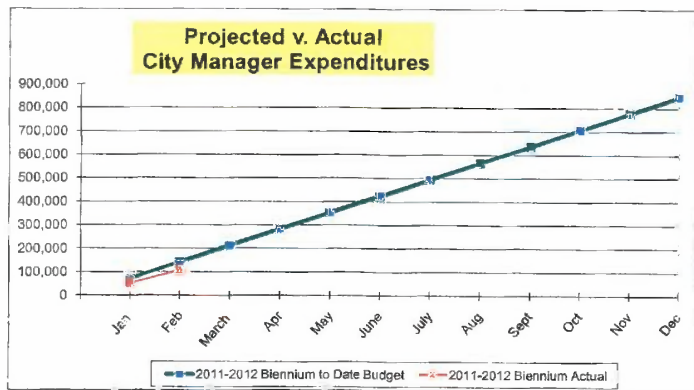
Year To Date
Actual v. Projected 15%



CITY MANAGER

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	70,645	50,407
Feb	141,289	105,614
March	211,934	
Apr	282,578	
May	353,223	
June	423,867	
July	494,512	
Aug	565,156	
Sept	635,801	
Oct	706,445	
Nov	777,090	
Dec	847,734	
2011	847,734	

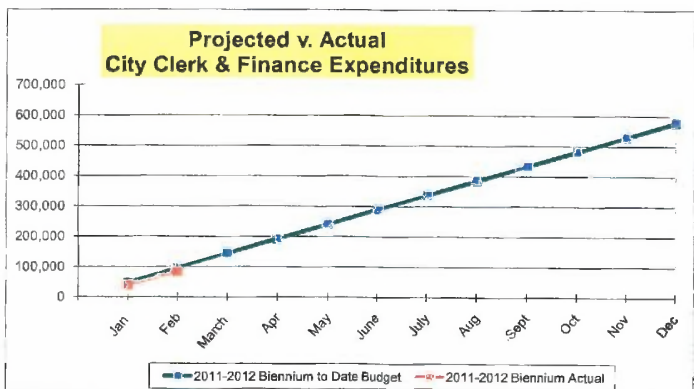
Year To Date
Actual v. Projected 12%



CITY CLERK & FINANCE

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	48,098	38,133
Feb	96,197	82,263
March	144,295	
Apr	192,394	
May	240,492	
June	288,591	
July	336,689	
Aug	384,787	
Sept	432,886	
Oct	480,984	
Nov	529,083	
Dec	577,181	
2011	577,181	

Year To Date
Actual v. Projected 14%



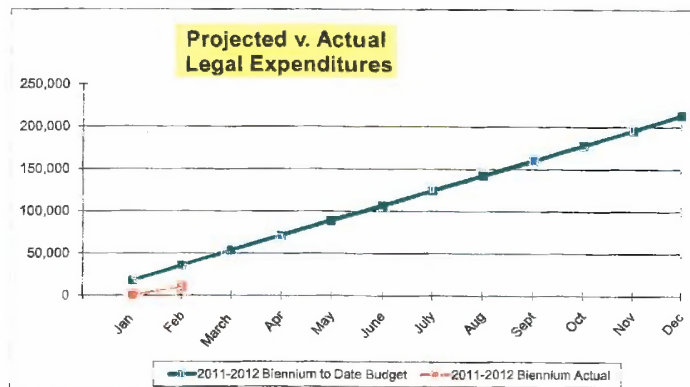
City of Kenmore, Washington
General Fund Expenditure Graphs
February 28, 2011

LEGAL

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	17,792	0
Feb	35,583	9,472
March	53,375	
Apr	71,167	
May	88,958	
June	106,750	
July	124,542	
Aug	142,333	
Sept	160,125	
Oct	177,917	
Nov	195,708	
Dec	213,500	
2011	213,500	

Year To Date
 Actual v. Projected

4%

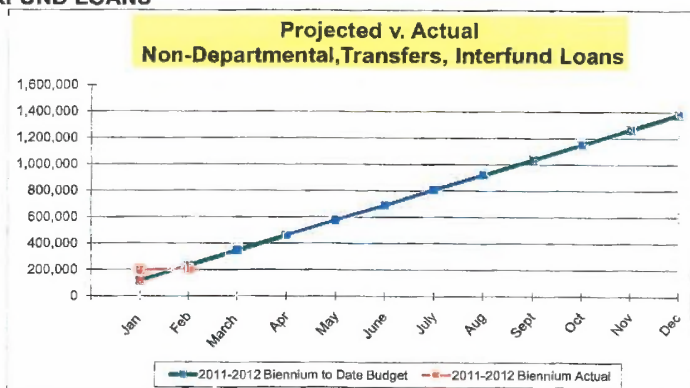


NON-DEPARTMENTAL, TRANSFERS, INTERFUND LOANS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	115,185	194,427
Feb	230,369	203,114
March	345,554	
Apr	460,738	
May	575,923	
June	691,107	
July	806,292	
Aug	921,476	
Sept	1,036,661	
Oct	1,151,845	
Nov	1,267,030	
Dec	1,382,214	
2011	1,382,214	

Year To Date
 Actual v. Projected

15%

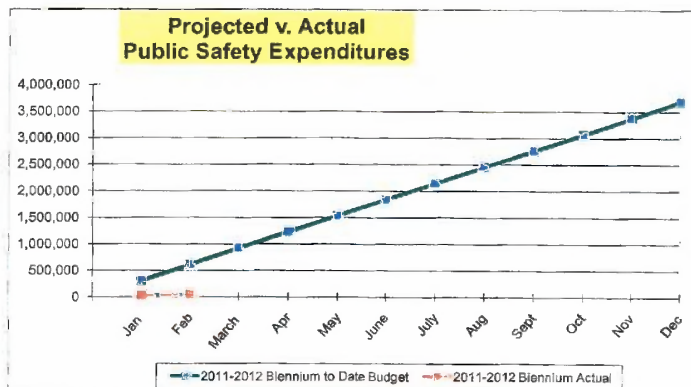


PUBLIC SAFETY

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	306,742	30,467
Feb	613,484	45,647
March	920,227	
Apr	1,226,969	
May	1,533,711	
June	1,840,453	
July	2,147,195	
Aug	2,453,937	
Sept	2,760,680	
Oct	3,067,422	
Nov	3,374,164	
Dec	3,680,906	
2011	3,680,906	

Year To Date
 Actual v. Projected

1%

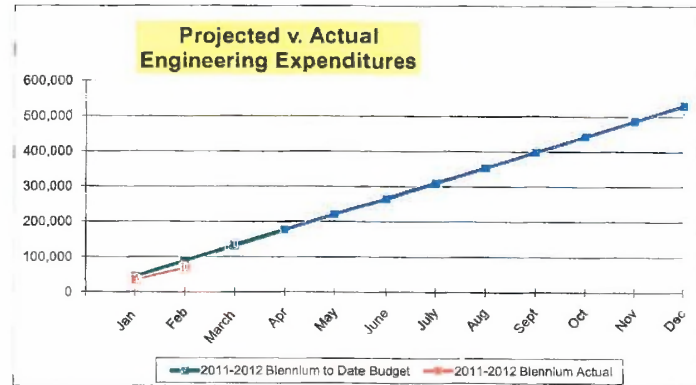


City of Kenmore, Washington
General Fund Expenditure Graphs
February 28, 2011

ENGINEERING

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	44,213	33,890
Feb	88,426	67,607
March	132,639	
Apr	176,852	
May	221,065	
June	265,278	
July	309,490	
Aug	353,703	
Sept	397,916	
Oct	442,129	
Nov	486,342	
Dec	530,555	
2011	530,555	

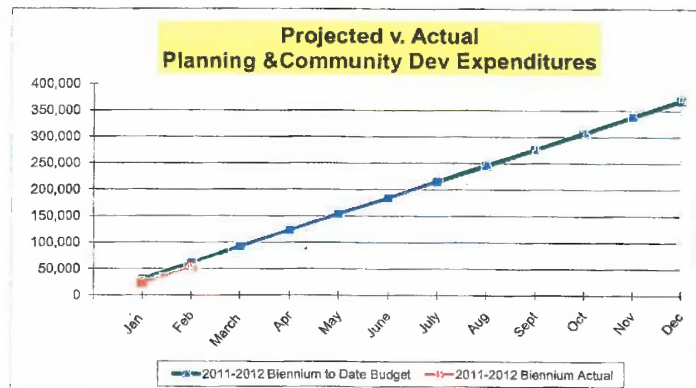
Year To Date
 Actual v. Projected 13%



PLANNING & COMMUNITY DEV

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	30,740	23,392
Feb	61,480	52,442
March	92,220	
Apr	122,959	
May	153,699	
June	184,439	
July	215,179	
Aug	245,919	
Sept	276,659	
Oct	307,398	
Nov	338,138	
Dec	368,878	
2011	368,878	

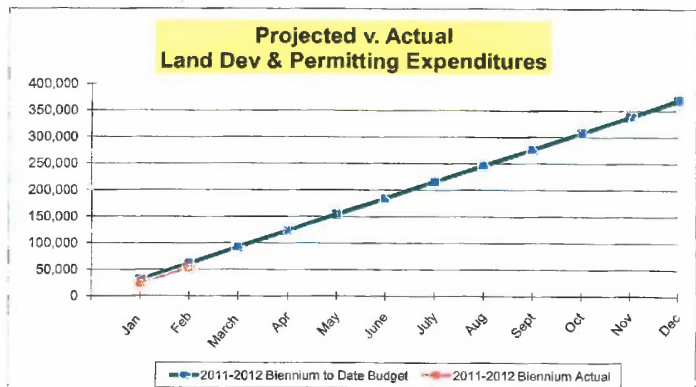
Year To Date
 Actual v. Projected 14%



LAND DEV & PERMITTING

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	64,315	39,962
Feb	128,630	81,679
March	192,946	
Apr	257,261	
May	321,576	
June	385,891	
July	450,206	
Aug	514,521	
Sept	578,837	
Oct	643,152	
Nov	707,467	
Dec	771,782	
2011	771,782	

Year To Date
 Actual v. Projected 11%

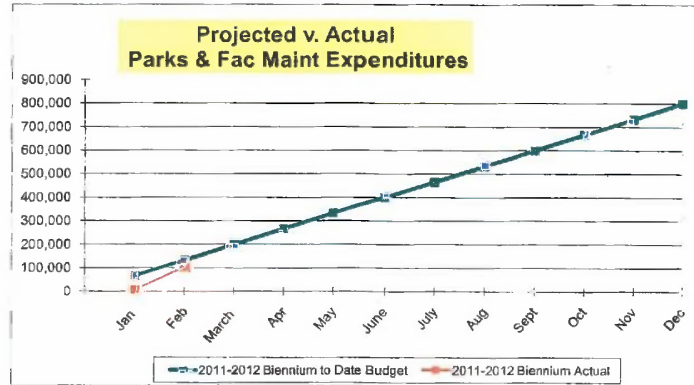


**City of Kenmore, Washington
General Fund Expenditure Graphs
February 28, 2011**

PARKS & FACILITY MAINT

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	66,665	6,230
Feb	133,329	103,546
March	199,994	
Apr	266,659	
May	333,323	
June	399,988	
July	466,653	
Aug	533,317	
Sept	599,982	
Oct	666,647	
Nov	733,311	
Dec	799,976	
2011	799,976	

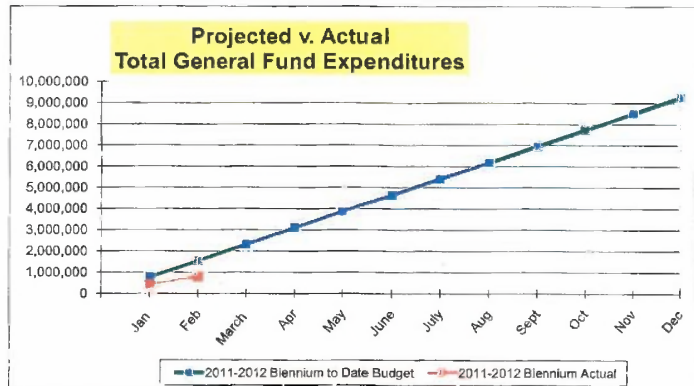
Year To Date
Actual v. Projected 13%



TOTAL GENERAL FUND EXPENDITURES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	773,460	422,575
Feb	1,546,921	768,186
March	2,320,381	
Apr	3,093,841	
May	3,867,301	
June	4,640,762	
July	5,414,222	
Aug	6,187,682	
Sept	6,961,142	
Oct	7,734,603	
Nov	8,508,063	
Dec	9,281,523	
2011	9,281,523	

Year To Date
Actual v. Projected 8%



City of Kenmore, Washington
All Funds Cash Summary
February 28, 2011



	2009-2010		2011-2012
	BIENNIUM	BUDGET	BIENNIUM TO DATE
GENERAL FUND			
Beginning Cash	2,748,258	4,941,884	4,941,884
Interfund Loan Repayment	6,850,000	0	0
Revenues	18,844,234	18,833,585	1,003,584
Total Sources	28,542,492	23,775,479	5,945,468
Interfund Loans	6,350,000	0	0
Expenditures	18,262,703	19,256,668	788,186
Ending Cash	4,929,789	4,518,811	5,177,282
Total Uses	28,542,492	23,775,479	5,945,468
STREET FUND			
Beginning Cash	228,568	2,040,582	2,040,582
Interfund Loan	3,550,000	0	0
Revenues	6,568,320	2,347,724	70,210
Total Sources	12,346,888	4,388,306	2,110,792
Interfund Loan Repaid	6,150,000	0	0
Expenditures	4,156,306	3,113,790	68,162
Ending Cash	2,040,582	1,274,516	2,042,630
Total Uses	12,346,888	4,388,306	2,110,792
ARTERIAL STREET FUND			
Beginning Cash	1,432,272	1,209,197	1,209,197
Interfund Loan	8,300,000	0	0
Revenues	23,393,136	5,556,577	0
Total Sources	33,125,408	6,765,774	1,209,197
Interfund Loan Repaid	10,500,000	0	0
Expenditures	21,416,211	5,282,641	87,039
Ending Cash	1,209,197	1,483,133	1,122,158
Total Uses	33,125,408	6,765,774	1,209,197
PUBLIC ART FUND			
Beginning Cash	67,378	68,244	68,244
Revenues	130,857	3,979	0
Total Sources	198,235	72,223	68,244
Expenditures	129,991	1,000	0
Ending Cash	68,244	71,223	68,244
Total Uses	198,235	72,223	68,244
PARK IMPACT FEE FUND			
Beginning Cash	976,339	1,354,455	1,354,455
Revenues	396,799	440,942	14,478
Total Sources	1,373,138	1,795,397	1,368,933
Expenditures	18,683	700,000	0
Ending Cash	1,354,455	1,095,397	1,368,933
Total Uses	1,373,138	1,795,397	1,368,933
TRANSPORTATION IMPACT FEE FUND			
Beginning Cash	146,087	545,655	545,655
Revenues	1,280,266	943,962	16,044
Total Sources	1,426,353	1,489,617	593,788
Expenditures	880,698	1,367,532	0
Ending Cash	545,655	122,085	593,788
Total Uses	1,426,353	1,489,617	593,788
SWAMP CREEK BASIN FUND			
Beginning Cash	0	1,762,640	1,762,640
Revenues	1,762,640	35,619	0
Total Sources	1,762,640	1,798,259	1,762,640
Expenditures	0	0	0
Ending Cash	1,762,640	1,798,259	1,762,640
Total Uses	1,762,640	1,798,259	1,762,640

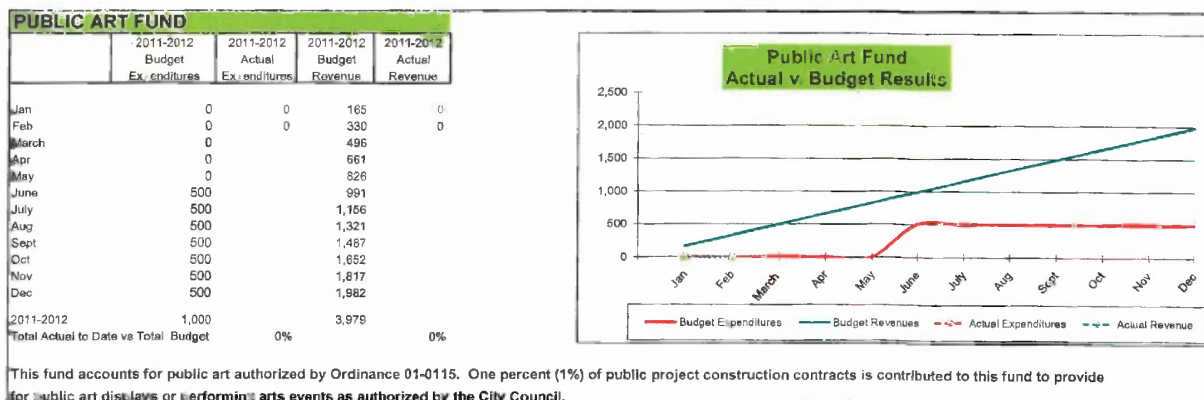
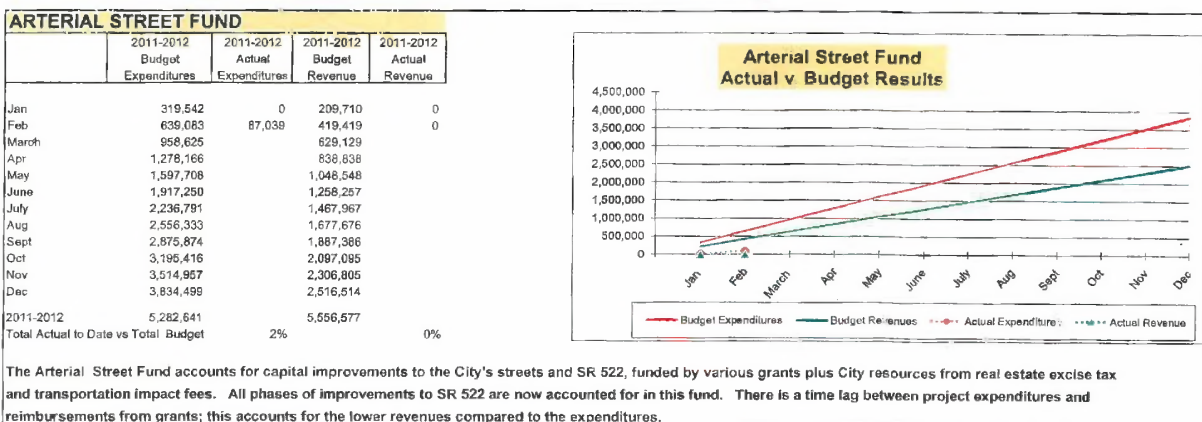
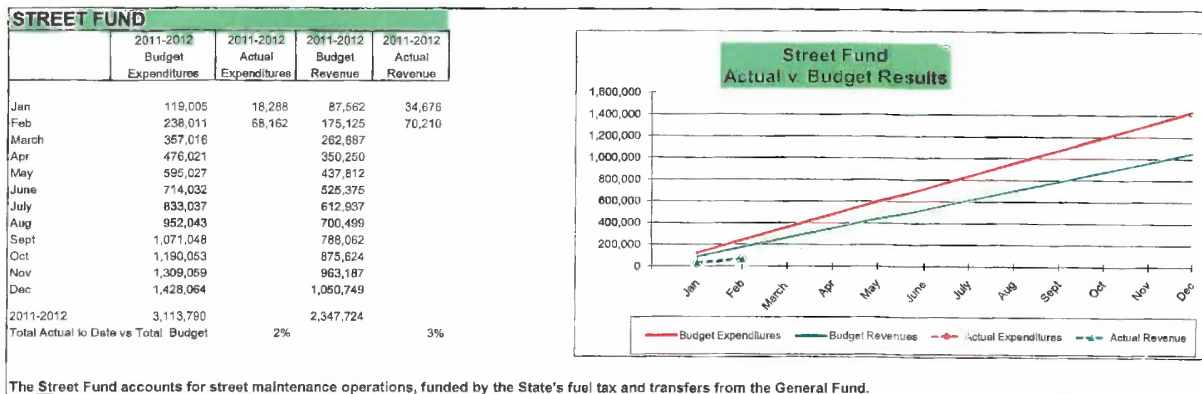
I:\Admin & Finance\Monthly Reports\2011\FebAll Funds

City of Kenmore, Washington
All Funds Cash Summary
February 28, 2011



	<u>2009-2010</u>	<u>BUDGET</u>	<u>FEBRUARY</u>	<u>2011-2012</u>
	<u>BIENNIUM</u>			<u>BIENNIUM TO DATE</u>
<u>MUNICIPAL CAPITAL RESERVE FUND</u>				
Beginning Cash	2,402,043	1,866,318		1,866,318
Interfund Loan Repayment	8,800,000	0		0
Revenues	1,493,254	2,038,341	27,426	76,105
Total Sources	12,695,297	3,904,659	27,426	1,942,423
Interfund Loan	5,500,000	0		0
Expenditures	5,328,980	3,346,018	0	0
Ending Cash	1,866,318	558,641		1,942,423
Total Uses	12,695,297	3,904,659	0	1,942,423
<u>CAPITAL PROJECTS FUND</u>				
Beginning Cash	12,016,588	60,725		60,725
Revenues	4,683,262	191,078	1,526	4,264
Total Sources	16,709,850	251,803	1,526	64,989
Expenditures	16,636,626	190,820	1,815	321,118
Ending Cash	73,223	60,983		(256,129)
Total Uses	16,709,850	251,803	1,815	64,989
<u>SURFACE WATER MANAGEMENT FUND</u>				
Beginning Cash	3,865,039	1,590,280		1,590,280
Revenues	2,824,196	3,128,748	20,434	23,504
Total Sources	6,689,235	4,719,028	20,434	1,613,784
Expenditures	5,098,954	3,726,109	122,916	144,148
Ending Cash	1,590,280	992,919		1,469,636
Total Uses	6,689,235	4,719,028	122,916	1,613,784
<u>STRATEGIC RESERVE FUND</u>				
Beginning Cash	1,057,632	1,264,464		1,264,464
Interfund Loan Repayment	1,000,000	0		0
Revenues	206,832	0	0	0
Total Sources	2,264,464	1,264,464	0	1,264,464
Interfund Loans	1,000,000			0
Expenditures	0	0	0	0
Ending Cash	1,264,464	1,264,464		1,264,464
Total Uses	2,264,464	1,264,464	0	1,264,464
<u>EQUIPMENT REPLACEMENT FUND</u>				
Beginning Cash	510,358	524,310		524,310
Revenues	111,198	161,520	0	0
Total Sources	621,556	685,830	0	524,310
Expenditures	97,246	143,497	0	0
Ending Cash	524,310	542,333		524,310
Total Uses	621,556	685,830	0	524,310
<u>TRUST AND AGENCY (NON BUDGETED FUND)*</u>				
Beginning Cash	269,109	278,859		278,859
Revenues	144,107	0	291	1,025
Total Sources	413,216	278,859	291	279,884
Expenditures	134,357	0	3,375	3,375
Ending Cash	278,859	278,859		276,509
Total Uses	413,216	278,859	3,375	279,884
<u>TOTALS</u>				
Beginning Cash	25,719,671	17,507,613	0	17,507,613
Interfund Loan	28,500,000	0	0	0
Revenues	63,949,101	33,682,085	659,398	1,241,303
Total Sources	118,168,772	51,189,698	659,398	18,748,916
Interfund Loan	28,500,000	0	0	0
Expenditures	72,160,756	37,128,075	610,630	1,392,028
Ending Cash	17,508,016	14,061,623	0	17,356,888
Total Uses	118,168,772	51,189,698	610,630	18,748,916

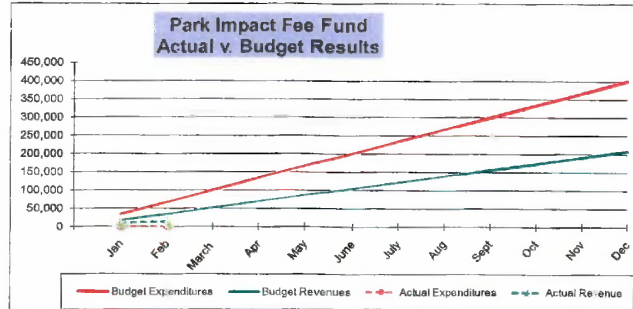
City of Kenmore, Washington
Other Funds Monthly Activity
February 28, 2011



**City of Kenmore, Washington
Other Funds Monthly Activity
February 28, 2011**

PARK IMPACT FEE FUND

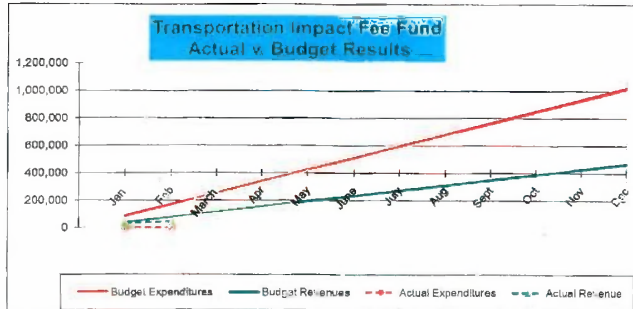
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	33,333	0	17,432	9,652
Feb	66,667	0	34,864	14,478
March	100,000		52,296	
Apr	133,333		69,728	
May	166,667		87,160	
June	200,000		104,592	
July	233,333		122,023	
Aug	266,667		139,455	
Sept	300,000		156,887	
Oct	333,333		174,319	
Nov	366,667		191,751	
Dec	400,000		209,183	
2011-2012	700,000		440,942	
Total Actual to Date vs Total Budget		0%		3%



This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements. In the 2011-2012 budget, expenditures represent transfers to Municipal Capital Fund for improvements to City parks.

TRANSPORTATION IMPACT FEE FUND

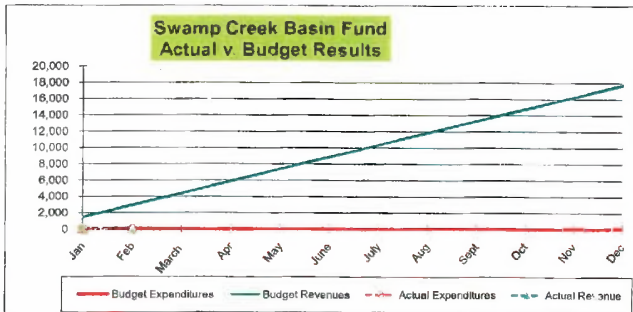
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	84,794	0	39,172	32,089
Feb	169,589	0	78,345	48,133
March	254,383		117,517	
Apr	339,177		156,689	
May	423,972		195,861	
June	508,766		235,034	
July	593,560		274,206	
Aug	678,355		313,378	
Sept	763,149		352,550	
Oct	847,943		391,723	
Nov	932,738		430,895	
Dec	1,017,532		470,067	
2011-2012	1,367,532		943,982	
Total Actual to Date vs Total Budget		0%		5%



This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.

SWAMP CREEK BASIN FUND

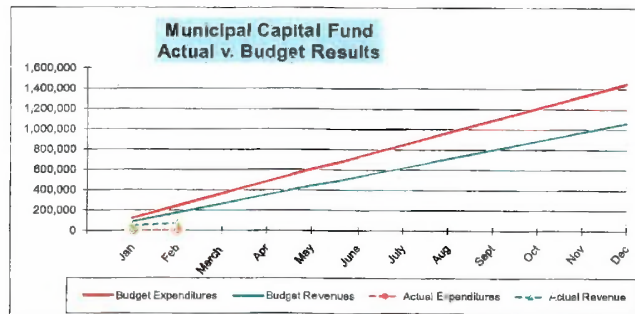
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	0	0	1,477	0
Feb	0	0	2,954	0
March	0		4,430	
Apr	0		5,907	
May	0		7,384	
June	0		8,861	
July	0		10,337	
Aug	0		11,814	
Sept	0		13,291	
Oct	0		14,768	
Nov	0		16,244	
Dec	0		17,721	
2011-2012	0		35,619	
Total Actual to Date vs Total Budget		0%		0%



This fund accounts for the Memorandum of Agreement with King County which provided funds reserved for surface water projects, improvements, and maintenance within the Swamp Creek Basin.

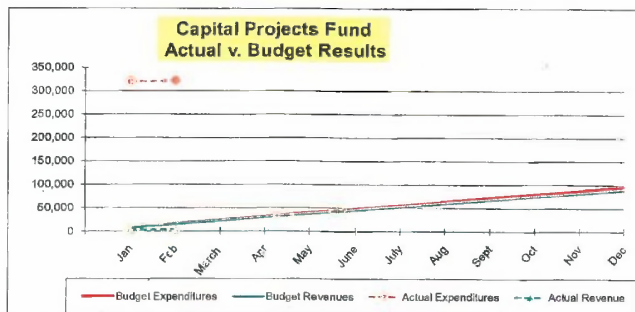
**City of Kenmore, Washington
Other Funds Monthly Activity
February 28, 2011**

MUNICIPAL CAPITAL FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	120,622	0	86,632	48,679
Feb	241,245	0	177,284	76,105
March	961,867		265,896	
Apr	482,489		354,527	
May	603,112		443,159	
June	723,734		531,791	
July	844,366		620,423	
Aug	964,979		709,065	
Sept	1,085,801		797,687	
Oct	1,206,223		886,318	
Nov	1,326,846		974,950	
Dec	1,447,468		1,063,582	
2011-2012	3,346,018		2,038,341	
Total Actual to Date vs Total Budget		0%		4%



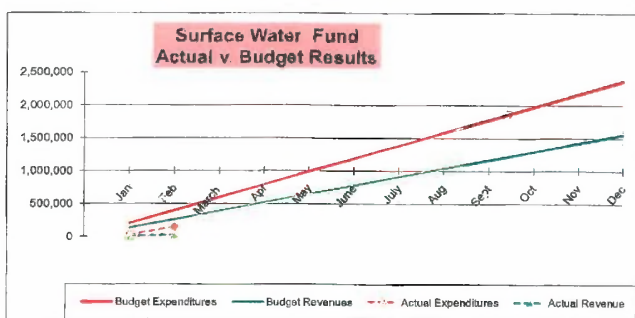
The Municipal Capital Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include park improvements and transfers to the Arterial Street Fund for transportation improvements.

CAPITAL PROJECTS FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	7,851	319,303	7,401	2,738
Feb	15,902	321,118	14,802	4,264
March	23,853		22,203	
Apr	31,803		29,604	
May	39,754		37,005	
June	47,705		44,407	
July	55,656		51,808	
Aug	63,607		59,209	
Sept	71,558		66,610	
Oct	79,508		74,011	
Nov	87,459		81,412	
Dec	95,410		88,813	
2011-2012	190,819		191,078	
Total Actual to Date vs Total Budget		168%		2%



The Capital Projects Fund accounts for leasing activity within Kenmore Village and contributions to ARCH (A Regional Coalition for Housing).

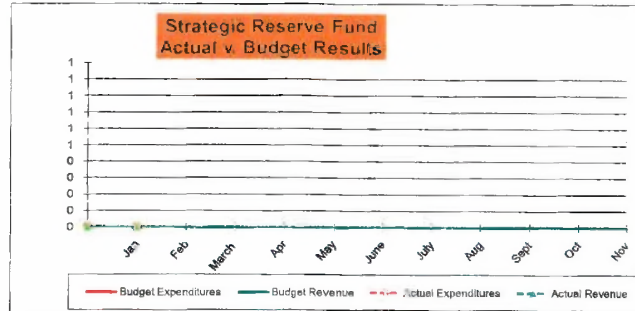
SURFACE WATER MANAGEMENT FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	197,009	21,232	129,837	3,070
Feb	394,019	144,148	259,673	23,504
March	591,028		389,510	
Apr	788,037		519,346	
May	985,047		649,183	
June	1,182,056		779,019	
July	1,379,065		908,856	
Aug	1,576,075		1,038,692	
Sept	1,773,084		1,168,529	
Oct	1,970,093		1,298,365	
Nov	2,167,103		1,428,202	
Dec	2,364,112		1,558,038	
2011-2012	3,726,109		3,128,748	
Total Actual to Date vs Total Budget		4%		1%



This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

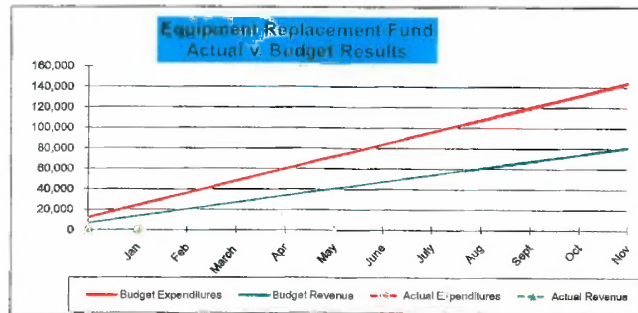
**City of Kenmore, Washington
Other Funds Monthly Activity
February 28, 2011**

STRATEGIC RESERVE FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	0
Sept	0	0	0	0
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
2011-2012	0	0	0	0
Total Actual to Date vs Total Budget		0%		0%



This fund was created to serve as the City's emergency reserve fund. Per State Statute, the fund cannot exceed \$.375 per \$1,000 of the City's assessed value and is fully funded at \$1,264,464 for 2011. No expenditures are anticipated or have been budgeted at this time.

EQUIPMENT REPLACEMENT FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	11,958	0	6,756	0
Feb	23,916	0	13,512	0
March	35,874	0	20,268	0
Apr	47,832	0	27,024	0
May	59,790	0	33,780	0
June	71,749	0	40,536	0
July	83,707	0	47,292	0
Aug	95,665	0	54,048	0
Sept	107,623	0	60,804	0
Oct	119,581	0	67,560	0
Nov	131,539	0	74,316	0
Dec	143,497	0	81,072	0
2011-2012	143,497	0	161,520	0
Total Actual to Date vs Total Budget		0%		0%



This fund is used to maintain a reserve for future replacement of equipment, including, but not limited to furniture, computers and vehicles. Payments are received from various operating departments and funds that benefit from or use the assets.

**City of Kenmore, Washington
Cash and Investment Report
February 28, 2011**



Fund	Beg. Cash & Inv.	Monthly	Monthly	End. Cash & Inv.
	from Prev. Mo.	Revenues	Expenditures	Current Month
General	\$4,969,920	\$553,317	\$345,611	\$5,177,626
Street	2,056,969	35,534	49,874	2,042,629
Arterial Street	1,209,198	0	87,039	1,122,159
Public Art	68,245	0	0	68,245
Park Impact Fee	1,364,109	4,826	0	1,368,935
Transp Impact Fee	577,744	16,044	0	593,788
Swamp Creek Basin	1,762,640	0	0	1,762,640
Municipal Capital	1,914,995	27,426	0	1,942,421
Capital Projects	(255,843)	1,526	1,815	-256,132
Capital Projects-Retainage	443,455	34		443,489
Surface Water Mgt.	1,572,118	20,434	122,916	1,469,636
Strategic Reserve	1,264,465	0	0	1,264,465
Equipment Replacement	524,311	0	0	524,311
Trust & Agency	279,590	291	3,375	276,506
Totals	\$17,751,916	\$659,432	\$610,630	\$17,800,718

Fund	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	\$3,394,730	\$1,782,955	\$5,177,686
Street	1,192,629	850,000	2,042,629
Arterial Street	1,122,159	0	1,122,159
Public Art	53,245	15,000	68,245
Park Impact Fee	438,935	930,000	1,368,935
Transp Impact Fee	563,788	30,000	593,788
Swamp Creek Basin	362,640	1,400,000	1,762,640
Municipal Capital	1,942,421	0	1,942,421
Capital Projects	(262,644)	450,000	187,356
Surface Water Mgt.	959,636	510,000	1,469,636
Strategic Reserve	414,465	850,000	1,264,465
Equipment Replacement	74,311	450,000	524,311
Trust & Agency	176,506	100,000	276,506
Totals	\$10,432,821	\$7,367,955	\$17,800,776

VC.

Accept February 2011 Financial Report for the City of Kenmore – Joanne Gregory, Financial

City of Kenmore, Washington
Schedule of Investments
February 28, 2011



		Average Yield to Maturity-Securities					Overall Average Yield		0.60%
Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Possible Call Date	Principal or Balance	Yield Equivalents
Piper Jaffray									
called 5/2/11	313371WR3	FHLB	12/10/2012	12/10/2010	0.70%	0.70%	3/10/2011	1,000,000.00	7,000.00
Total Piper Jaffray Purchases								1,000,000.00	7,000.00
Time Value Investments									
	3134G1K60	FHLMC	12/28/2015	12/28/2010	2.05%	2.05%	12/28/2011	1,000,000.00	20,500.00
	31398A4N9	FHLB	10/15/2013	12/8/2010	1.00%	1.00%	1/15/2011	999,990.00	9,999.90
Total TVI Purchases								1,999,990.00	30,499.90
Wells Fargo Securities									
	3134G14G6	FHLMC	2/25/2013	2/25/2011	1.00%	1.00%	8/25/2011	1,000,000.00	10,000.00
Total Wells Fargo Securities								1,000,000.00	10,000.00
Bank of America									
	3133XTV45	FHLB	6/5/2011	6/16/2009	1.13%	1.45%		995,270.00	14,431.42
Total Bank of America Purchases								995,270.00	14,431.42
Banner Bank CD's									
	5740005425	CD	2/6/2011	2/6/2010	1.44%	1.45%		1,132,694.88	16,424.08
Total Banner Bank CD's								1,132,694.88	16,424.08
Sound Community Bank CD's									
	39780029	Money Market	2/1/2011	2/1/2010	0.20%	0.20%		1,000,000.00	2,000.00
Total Sound Community Bank CD's								1,000,000.00	2,000.00
Cascade Bank CD's									
	280128104	CD	3/16/2011	3/16/2010	1.49%	1.50%		90,000.00	1,350.00
	280128112	CD	3/10/2011	3/10/2010	0.99%	1.00%		150,000.00	1,500.00
Total Cascade Bank CD's								240,000.00	2,850.00
TOTAL ALL SECURITIES								\$ 7,367,954.88	\$ 83,205.38
					Banner Checking and Savings		0.25% Banner	\$2,203,107.79	5,507.77
					Cascade Savings		0.25%	11,039.42	27.60
					Cash			1,005.00	-
					Local Government Investment Pool		0.22% LGIP	\$8,217,985	17,989.17
					Total Accounts			\$ 17,801,092.53	106,729.93

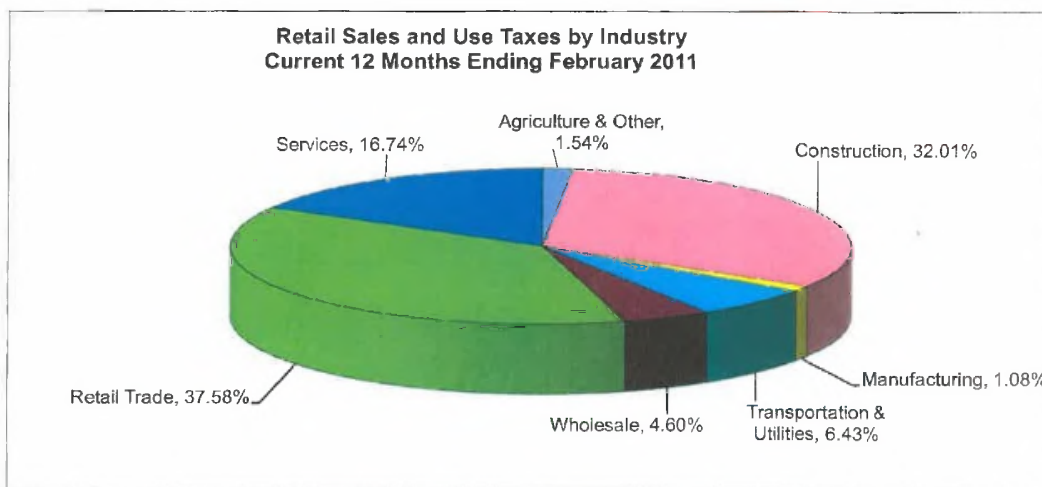
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
February 2011

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	2,502.00	32.28	2,534.29	1.7%
CONSTRUCTION	36,855.50	1,118.21	37,973.71	25.0%
MANUFACTURING	1,656.00	49.49	1,705.49	1.1%
TRANSPORTATION & UTILITIES	7,465.48	286.15	7,751.63	5.1%
WHOLESALE	5,742.23	441.50	6,183.73	4.1%
RETAIL TRADE	67,066.42	502.05	67,568.47	44.5%
SERVICES	24,284.29	1,298.94	25,583.23	16.8%
PUBLIC SERVICES	123.22	2,577.12	2,700.34	1.8%
	<u>145,695.14</u>	<u>6,305.75</u>	<u>152,000.89</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
February 28, 2011



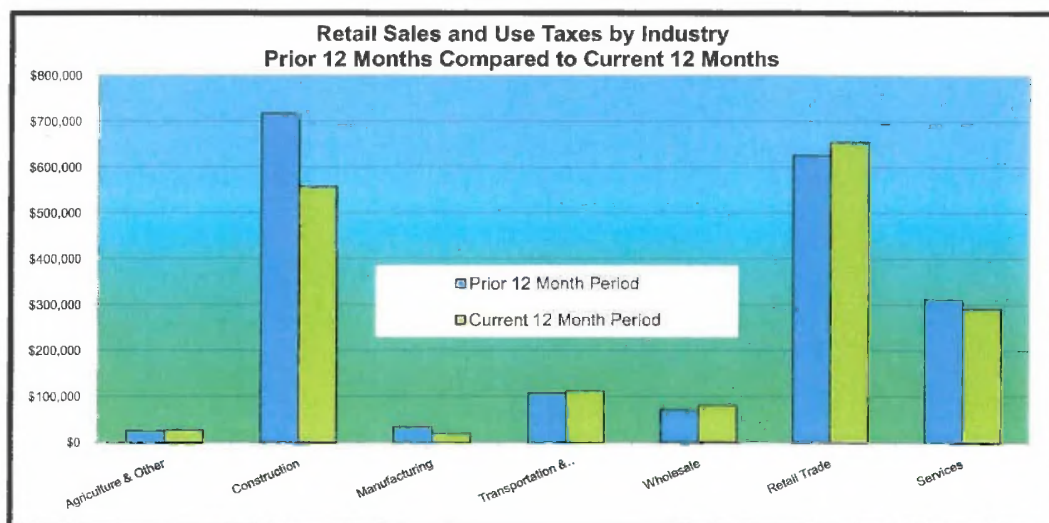
Industry	Prior 12 Months ending February 2010	Current 12 Months ending February 2011	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$24,765	\$26,824	8.31%	1.54%
Construction	716,570	557,482 *	-22.20%	32.01%
Manufacturing (Printing, Publishing, Other Manuf.)	33,301	18,892	-43.27%	1.08%
Transp/Comm/Utilities (Telecomm., Air Transport.)	107,416	112,052	4.32%	6.43%
Wholesale (Lumber, Other Wholesale)	70,364	80,146	13.90%	4.60%
Retail Trade (Eating, Merchandise, Food Stores)	625,033	654,519	4.72%	37.58%
Services (Auction, Recreation, Auto Repair, Financial)	311,933	291,526	-6.54%	16.74%
Totals	\$1,889,382	\$1,741,440	-7.83%	100%
Increase/(Decrease)		(\$147,942)	-7.83%	



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

* Approximately 40% of this is due to the Brightwater project.

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



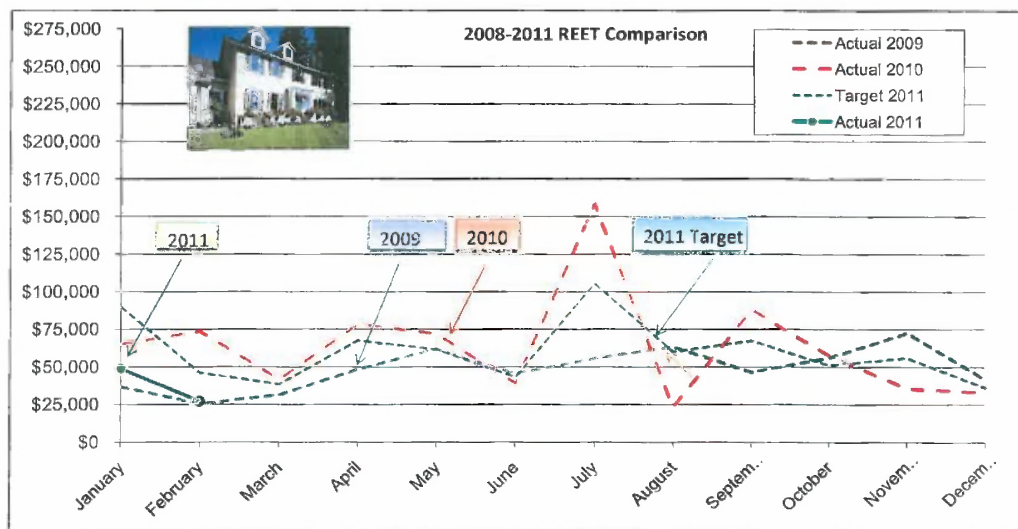
City of Kenmore, Washington
Real Estate Excise Tax Report
February 28, 2011



Real Estate Excise Taxes (REET) 2008 - 2011 Monthly Receipts					
	Actual 2008	Actual 2009	Actual 2010	Actual 2011	Target 2011
January	167,796	36,640	64,792	48,679	89,743
February	39,354	25,466	73,383	27,294	46,068
March	42,409	31,468	41,445		38,441
April	75,958	48,355	78,233		67,515
May	50,369	61,743	71,622		61,245
June	45,084	45,639	38,919		43,214
July	102,721	55,328	158,221		105,423
August	93,364	63,161	23,033		59,853
September	68,457	46,508	87,734		67,566
October	39,607	55,905	57,761		51,091
November	80,295	72,456	35,585		56,112
December	34,608	41,723	32,962		36,431
	\$820,021	\$584,392	\$763,689	\$75,973	\$722,701

For 2011, Taxes are \$62,202 less than the same period last year and below the 2011 target by \$59,838

Real Estate Excise Taxes (REET) 2008 - 2011 Property Sales > \$500,000 (The sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the revenue)								
					Taxes from > \$500,000 Sale Amounts			
	2008	2009	2010	2011	2008	2009	2010	2011
January	28,479,285	3,809,950	3,790,500	1,046,085	140,972	18,859	18,763	5,178
February	4,994,900	2,819,838	4,805,000	547,257	24,725	13,958	23,785	2,709
March	6,016,500	2,923,000	1,149,000		29,782	14,469	5,688	0
April	9,089,830	3,942,750	1,779,000		44,995	19,517	8,806	0
May	4,285,470	7,254,950	1,859,000		21,213	35,912	9,202	0
June	5,868,926	560,000	540,000		29,051	2,772	2,673	0
July	15,533,779	3,739,900	18,013,000		76,892	18,513	89,164	0
August	12,492,130	3,857,600	1,020,000		61,836	19,095	5,049	0
September	6,504,602	2,275,000	11,276,760		32,198	11,261	55,820	0
October	3,397,877	5,949,213	610,000		16,819	29,449	3,020	0
November	5,851,865	6,393,000	1,020,000		28,967	31,645	5,049	0
December	619,950	1,855,348	2,178,000		3,069	9,184	10,781	0
	\$103,135,114	\$45,380,549	\$48,040,260	\$1,593,342	\$510,519	\$224,634	237,800	7,887



* NOTE THE TARGETS ARE BASED ON A 3-YEAR AVERAGE (2008-2010) OF ACTUAL RECEIPTS.

VC.

Accept February 2011 Financial Report for the City of Kenmore – Joanne Gregory, Financial

**City of Kenmore, Washington
Monthly Report for Kenmore Village
February 28, 2011**



Revenues

Lease Income USPS (6700 Building)
Other Rent Income
Leasehold Excise Returned

Total Revenues

**February Biennium-to-
Activity Date**

\$0 \$1,988

750

1,526 1,526

1,526 4,264

Biennium Budget

\$88,266

0

0

88,266

Expenditures

6700 Building Improvements

Total Expenditures

Net Income (Loss)

1,815 1,926

1,815 1,926

(\$290) \$2,337

40,820

40,820

\$47,446

City of Kenmore, Washington
SR 522 Phase I Revenue and Expenditure History
as of February 28, 2011

		Actuals Received on Cash Basis					
Phase I							
Stage 3 Burke Gilman Trail @ 73rd Ave NE-nearing completion							
Stage 1 SR 522 Central Segment 65th to 73rd and other improvements, in construction							
Stage 2 SR 522 West Segment 57th to 65th and other improvements, pending funding							
		<u>Cumulative</u>	<u>2009</u>	<u>2010</u>	<u>February</u>	<u>Year to Date</u>	<u>Life to Date</u>
		<u>through 2008</u>			<u>2011</u>	<u>2011</u>	
Revenues:							
Secured:							
Wa State Transportation Improve. Board:							
to Street Fund	5,047,000	851,786	0	0	0	0	851,786
to Arterial Street Fund	0	148,214	2,545,308	1,501,692	0	0	4,195,214
Wa State Gas Tax	4,663,620	3,119,047	1,765,416	0	0	0	4,884,463
Federal Surface Transportation Prog	12,045,444	1,708,895	8,535,460	1,781,817	0	0	12,026,172
Brightwater	15,000	15,000	0	0	0	0	15,000
Federal: Wa State Dept of Trans Signal	357,914	0	0	546,862	0	0	546,862
King County Parks	906,500	514,616	201,467	0	0	0	716,083
King County Roads	350,000	350,000	0	0	0	0	350,000
Northshore Utility District Reimb	432,400	80,559	0	0	0	0	80,559
Puget Sound Energy Reimb	264,100	0	0	0	0	0	0
Northshore School Dist Reimb	22,258	0	0	0	0	0	0
Library Reimb	10,000	0	0	0	0	0	0
Comcast Reimb	168,800	88,620	0	0	0	0	88,620
Urban Partners	75,000	0	25,000	54,438	0	0	79,438
Fire District Reim	49,000	0	0	0	0	0	0
City Art Fund	126,486	0	0	0	0	0	0
City Funds:	5,607,250	0	0	0	0	0	0
Transfer from REET Muni Cap		1,083,250	0	3,290,000	0	0	4,373,250
Transfer from Street Fund		0	0	521,870	0	0	521,870
Stage 1/181st		0	334,000	0	0	0	334,000
Transfer from REET Muni Cap		0	334,000	0	0	0	334,000
Stage 2	700,000	0	700,000	0	0	0	700,000
Transfer from Trans Impact Fees		900,000	0	0	0	0	900,000
Total Revenues	30,840,772	8,859,987	14,106,651	7,696,679	0	0	30,663,317
Expenditures:							
Street Fund		15,148,961	1,090	0	0	0	15,150,051
Street-Interfund Loan Interest		0	0	0	0	0	0
1% Art Fund		0	0	0	0	0	0
Arterial Street Fund		253,860	11,708,313	2,874,519	65,050	65,050	14,901,742
Stage 2			483,830	435,358	0	0	919,188
Arterial Street Fund							
Muni Cap Fund		46,782	0	0	0	0	46,782
Total Expenditures		15,449,603	12,193,233	3,309,877	65,050	65,050	31,017,763

City of Kenmore, Washington
SR 522 Phase II Revenue and Expenditure History
as of February 28, 2011

Phase II

SR 522 East Segment, 73rd to 83rd, nearing completion

****Actuals Received on Cash Basis****

		Cumulative through 2008	2009	2010	February 2011	Year to Date 2011	Life to Date
Revenues:							
Wa State Transportation Improve. Board:	Secured:						
Sound Transit	3,450,000	3,145,975	131,526	172,500	0	0	3,450,000
Brightwater	8,192,307	8,192,307	0	0	0	0	8,192,307
Federal Grant via WSDOT	250,000	0	0	0	0	0	0
Federal: WSDOT Signal/Overlay	697,312	578,381	91,120	0	0	0	669,501
Regional Mobility WSDOT	683,608	185,272	498,322	0	0	0	683,594
King County Metro	1,800,000	1,441,827	358,173	0	0	0	1,800,000
Wa State Gas Tax Grant	400,000	0	0	400,000	0	0	400,000
Comcast Reimb	8,336,380	4,636,717	2,951,182	439,620	0	0	8,027,519
Northshore Utility District Reimb	147,770	92,680	0	55,090	0	0	147,770
Northshore School District Reimb	1,621,486	1,024,376	441,836	0	0	0	1,466,212
PSE Reimbursement	28,914	0	0	0	0	0	0
City: Art Fund	150,000	0	0	0	0	0	0
City:	161,006	0	0	0	0	0	0
Investment Earnings	2,870,793	92,191	15,331	2,532	0	0	110,054
Fuel Tax		274,153	0	0	0	0	274,153
Transfer of Trans Impact Fees		512,000	430,698	450,000	0	0	1,392,698
Transfer from Street Fund		0	0	1,000,000	0	0	1,000,000
Transfer of REET		1,096,420	0	0	0	0	1,096,420
Total Revenues	28,789,576	21,272,299	4,918,188	2,519,742	0	0	28,710,229
Expenditures:							
Arterial Street		22,497,211	4,671,626	1,068,152	18,070	18,070	28,255,059
Interfund Loan Interest		127,175	0	0	0	0	127,175
Art 1%		0	0	0	0	0	0
Transportation Impact Fee Fund		100,000	0	0	0	0	100,000
Total Expenditures		22,724,386	4,671,626	1,068,152	18,070	18,070	28,482,234

VC.

Accept February 2011 Financial Report for the City of Kenmore – Joanne Gregory, Financial

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to sign Supplemental Agreement Number 9 to Contract Number 07-C602, with HDR Engineering, Inc., for the SR 522 Transportation Improvement Projects, in the amount of \$44,829.80			June 13, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Ron Loewen	425 398 8900
COST OF PROPOSAL: <u>Staff Costs:</u> Preparing Agenda Bill 3 hours <u>Contract Services:</u> Construction Assistance: Supplement Number 9 \$44,829.80		ACCOUNT NUMBER: 09 00 7019 09 00 7020	
AMOUNT BUDGETED: SR 522 Project Budgets Total \$62,028,355 HDR Contract Budget \$5,154,281		NAME AND FUND #: Arterial Street Fund No. 09	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Contract Number 07-C602 Supplemental Agreement Number 9			
SUMMARY STATEMENT: HDR Engineering, Inc. (HDR) was retained by the City to administer the SR 522 construction contracts. The contractor constructed the roadway between 73 rd and 77 th Avenues NE approximately 1.5 narrower than required. The contractor has reconstructed the south curb line placing it approximately 1.5 feet to the south. This will restore the roadway to the designed width. The attached Supplemental Agreement Number 9 provides for HDR's inspection of the curb relocation, storm drainage, street lighting, and landscaping revisions. These costs will be reimbursed by the contractor. The current HDR contract amount is \$5,165,737.32 of which \$5,117,779 has been spent. The supplemental agreement would increase the contract amount by \$44,829.80. The 2011 Budget assumed an increase of \$12,441. The additional required amount will be appropriated with a future Budget amendment.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Improve transportation for local residents by implementing the 6-year Transportation Improvement Plan. City Council top priority.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Authorize the City Manager to sign Supplemental Agreement Number 9 to Contract Number 07-C602, with HDR Engineering, Inc., for the SR 522 Transportation Improvement Projects, in the amount of \$44,829.80.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
TODAY'S DATE: May 9, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0050 SR 522 Phase 1\Council\2011\May AGB HDR Amnd9.docx	

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

RECEIVED
APR 13 2011

Transmittal

CITY OF KENMORE
Date: 4/12/2011 Job No:

Attention: Ron Loewen

To: City of Kenmore
PO Box 82607
Kenmore, WA 82607

Phone: 425-398-8900

Regarding: SR-522 Supplement 9

We are sending you: ☐ Attached ☐ Under separate cover via _____ the following items
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change Order ☒ Other Signed Agreement

Copies	Date	No.	Description
3			SR-522 LAG Supplement 9

These are transmitted as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review/comment ☐ Other _____
☐ For bids due _____ ☐ Prints returned after loan to us

Remarks Please return one original signed copy back to us for our file. Thanks.

Copy to Signed Liya Huang-Bradley, Sr. Project Controller

If enclosures are not as noted, please notify us at once

Document2

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,



Washington State
Department of Transportation

Supplemental Agreement Number 9		Organization and Address HDR Engineering, Inc. 500 108th NE Suite 1200 Bellevue, WA 98004-55549	
Original Agreement Number 07-C602		Phone: 425-450-6200	
Project Number		Execution Date	Completion Date 12/31/2011
Project Title SR-522 Transportation Improvement Project		New Maximum Amount Payable \$ 5,210,567.12	
Description of Work Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curbline that was incorrectly constructed.			

The Local Agency of City of Kenmore
desires to supplement the agreement entered into with HDR Engineering, Inc.
and executed on 3/14/2007 and identified as Agreement No. 07-C602
All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Attachment A for additional scope of work.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Extend to December 31, 2011

III

Section V, PAYMENT, shall be amended as follows:

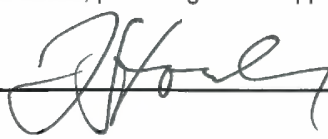
See Exhibit A for additional services fee

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Ronald G. Ohlsen Vice President


Consultant Signature

By: 

Approving Authority Signature

Date

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Attachment A

Supplement 9

City of Kenmore, Washington

SR 522 Transportation Improvement Projects

Scope of Services

Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curblin that was incorrectly constructed.

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Supplement 9
City of Kenmore, WA
SR 522 Transportation Improvement Projects
South Curb Reconstruction

Exhibit A-2

HDR Engineering, Inc.

name	classification	*Hourly Rate	Hours	Total
Dan Becker	Sr. Project Manager	238.1	20	4,762.00
Jill Marilley	SR. Project Manager	175.78	40	7,031.20
Dano Bonifacio	Chief Construction Inspector	126.56	240	30,374.40
Liya Huang-Bradley	Sr. Project Controller	108.11	20	2,162.20

320

Total Estimate Labor Cost 44,329.80

Direct Expenses 500

*-using 2011 new rate

Total HDR 44,829.80

Total Fee Estimate 44,829.80

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,



**Washington State
Department of Transportation**

Supplemental Agreement Number 9		Organization and Address HDR Engineering, Inc. 500 108th NE Suite 1200 Bellevue, WA 98004-55549	
Original Agreement Number 07-C602		Phone: 425-450-6200	
Project Number		Execution Date	Completion Date 12/31/2011
Project Title SR-522 Transportation Improvement Project		New Maximum Amount Payable \$ 5,210,567.12	
Description of Work Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curblane that was incorrectly constructed.			

The Local Agency of City of Kenmore
desires to supplement the agreement entered into with HDR Engineering, Inc.
and executed on 3/14/2007 and identified as Agreement No. 07-C602
All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Attachment A for additional scope of work.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Extend to December 31, 2011

III

Section V, PAYMENT, shall be amended as follows:

See Exhibit A for additional services fee

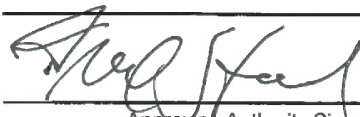
as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Ronald G. Ohlsen Vice President


Consultant Signature

By: _____


Approving Authority Signature

Date

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Attachment A

Supplement 9

City of Kenmore, Washington

SR 522 Transportation Improvement Projects

Scope of Services

Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curbline that was incorrectly constructed.

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Supplement 9
City of Kenmore, WA
SR 522 Transportation Improvement Projects
South Curb Reconstruction

Exhibit A-2

HDR Engineering, Inc.

name	classification	*Hourly Rate	Hours	Total
Dan Becker	Sr. Project Manager	238.1	20	4,762.00
Jill Marilley	SR. Project Manager	175.78	40	7,031.20
Dano Bonifacio	Chief Construction Inspector	126.56	240	30,374.40
Liya Huang-Bradley	Sr. Project Controller	108.11	20	2,162.20
			<u>320</u>	

Total Estimate Labor Cost 44,329.80

Direct Expenses 500

*-using 2011 new rate

Total HDR 44,829.80

Total Fee Estimate 44,829.80

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,



**Washington State
Department of Transportation**

Supplemental Agreement Number 9		Organization and Address HDR Engineering, Inc. 500 108th NE Suite 1200 Bellevue, WA 98004-55549	
Original Agreement Number 07-C602		Phone: 425-450-6200	
Project Number	Execution Date	Completion Date 12/31/2011	
Project Title SR-522 Transportation Improvement Project		New Maximum Amount Payable \$ 5,210,567.12	
Description of Work Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curbline that was incorrectly constructed.			

The Local Agency of City of Kenmore
desires to supplement the agreement entered into with HDR Engineering, Inc.
and executed on 3/14/2007 and identified as Agreement No. 07-C602

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Attachment A for additional scope of work

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Extend to December 31, 2011

III

Section V, PAYMENT, shall be amended as follows:

See Exhibit A for additional services fee

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Ronald G. Ohlsen Vice President


Consultant Signature

By: _____


Approving Authority Signature

Date

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Attachment A

Supplement 9

City of Kenmore, Washington

SR 522 Transportation Improvement Projects

Scope of Services

Provide additional construction project management and inspection services for a 4 weeks construction period while contractor reconstruct southern curbline that was incorrectly constructed.

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

Supplement 9
City of Kenmore, WA
SR 522 Transportation Improvement Projects
South Curb Reconstruction

Exhibit A-2

HDR Engineering, Inc.

name	classification	*Hourly Rate	Hours	Total
Dan Becker	Sr. Project Manager	238.1	20	4,762.00
Jill Marilley	SR. Project Manager	175.78	40	7,031.20
Dano Bonifacio	Chief Construction Inspector	126.56	240	30,374.40
Liya Huang-Bradley	Sr. Project Controller	108.11	20	2,162.20

320

Total Estimate Labor Cost 44,329.80

Direct Expenses 500

*-using 2011 new rate

Total HDR 44,829.80

Total Fee Estimate 44,829.80

VD.

Authorize the City Manager to Sign Supplemental Agreement No. 9 to Contract No. 07-C602,

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the sale of the SR 522 street lights to Puget Sound Energy and authorize the City Manager to execute a Bill of Sale and Transfer Agreement and Maintenance Order with Puget Sound Energy			June 13, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Ron Loewen Sheri Clark, PSE Jim Kennedy, PSE	425 398 8900
COST OF PROPOSAL: <u>Staff Costs:</u> Negotiating Agreement: 40 hours Preparing Agenda Bill: 4 hours <u>Contract Services:</u> Reviewing Agreement: \$2,500 Intolight Energy and Maintenance Services: \$35,590 per year		ACCOUNT NUMBER:	
AMOUNT BUDGETED: The total 2011-12 biennium budget amount is \$56,000. The contract for maintenance will begin approximately July 1 st resulting in a total energy and maintenance expenditure over the next two years of: Energy Costs 2011 and 2012 \$36,926 Maintenance Costs July 1 st 2011 through 2012 \$25,691 Total \$62,617 The shortage of funds (\$6,617) may require a budget modification in the future depending on total City Street Fund expenditures.		NAME AND FUND #: City Street Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Bill of Sale and Transfer Agreement Maintenance Order Intolight Presentation			
SUMMARY STATEMENT: The City installed custom street and pedestrian lighting as part of the SR 522 projects. This system, 131 poles and luminaries, will need to be maintained as luminaries burn out, poles become damaged, or conduit or wiring needs replacement. City staff contacted Intolight, a subsidiary of Puget Sound Energy (PSE), who installs and maintains the existing street lighting system in Kenmore. The City has contracted with Intolight to maintain other street lighting systems installed by the City. Intolight's maintenance operations are regulated by the Washington Utilities and Transportation Commission (WUTC) under the Commission's Schedule 54. They are not allowed to collect a profit and must have their billing rate approved by the WUTC. Under the rules of PSE and WUTC the lighting system must be owned by PSE thus a Bill of Sale for the system is required. The sale			

VIIA. Authorize the Sale of the SR 522 Street Lights to Puget Sound Energy and Authorize the City Manager to Execute a Bill of Sale and Contract No. 11-C908 Transfer Agreement and

accomplishes several things:

- Intolight will assume liability for the lighting system
- Intolight can establish the rules of maintenance under the guidance of WUTC
- Maintenance will be under the National Electrical Safety Code
- Union journeymen will work on the system

Assuming liability for the lighting system means it will be regulated under the current City franchise agreement. Intolight will be required to move poles in the future at their expense if required and will be the responsible party if there is a claim by third parties because of inadequate maintenance or poles located in inappropriate locations.

The City's sale of the system to Intolight is no different than if we would have contracted with them to install the lighting system. They would have required the City to fund the installation and Intolight would have owned and maintained the system.

Based on the forgoing the Bill of Sale and Transfer Agreement for \$1 is an appropriate sale value.

The Bill of Sale and Transfer Agreement provides a clear statement of liability and continues to allow the City to use the street light poles for the hanging of the City's banners and traffic control signs.

The Maintenance Order is broken into two fees regulated by the WUTC. The first is to maintain and replace the lighting system as it becomes damaged, worn out or needs replacement. This fee is based on a percentage of the system value as determined by Intolight. The Intolight estimated value is less than the City's estimate which results in a smaller monthly maintenance fee. The second fee is for the electrical energy for the system to be provided by PSE. This fee is based on the approved WUTC rates for the type of luminaries being used. The total typical annual fee is \$35,590. However the maintenance portion of the contract will not be initiated until July 1st of this year and thus for budget purposes expenditures will only be for 18 months. The approved budget for 2011 assumed a fee of \$56,000. Actual expenditures will be \$62,617, the shortage, \$6,617, may require a budget adjustment.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:
Mission Statement: Continue to provide effective and efficient services and public safety.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:
Authorize the sale of the SR 522 street lights to Puget Sound Energy and authorize the City Manager to execute a Bill of Sale and Transfer Agreement and Maintenance Order with Puget Sound Energy

REVIEWED BY FINANCE/DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE:	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0050 SR 522 Phase 1\Utilities\Puget Sound Energy\Street Lighting\110524_PSE.doc

Bill of Sale & Transfer Agreement

KNOW ALL PEOPLE BY THESE PRESENTS that the City of Kenmore ("seller"), for and in consideration of: 1) the sum of One Dollar; 2) the indemnity provision set forth below; and 3) other good and valuable consideration, the receipt of which is expressly acknowledged, does hereby sell, grant, transfer, assign and convey unto Puget Sound Energy ("Buyer"), its successors or assigns, all right, title and interest in and to the street lighting facilities listed on the Customer Street Lighting Order, attached hereto as Exhibit 1 ("Facilities"), and summarized as follows:

PROJECT: SR 522 Between 65th Ave. NE. and 83rd Pl. NE, Kenmore, WA – 131 Streetlights

- (34) SPECIAL ORDER 100W HPS Se'lux Quadro 2"QD2-MR-S100 100 watt HPS, Type 5 as specified QD2-MR-1-S100-SP2-240" luminaires
- (34) SPECIAL ORDER 14' Mounting height Se'lux pole 14' mounting height, square, non-tapered Medium Bronze, Tenemec paint "SQ40-14-SP2-T35" poles
- (32) SPECIAL ORDER 250W HPS Lithonia Aeris luminaires and decorative curved adapter arms "250 HPS AS2 250S SR3 240 DCAS2 DF DDB LPI SY"
- (32) SPECIAL ORDER 35' Mounting height Lithonia poles "DS330 6"x6"x35' SSS-S/B-GV-FP-LAB
- (65) SPECIAL ORDER 400W HPS Lithonia Aeris and arm AS2 4002 SR3 240 ASKMA2 DF-LAB
- (65) SPECIAL ORDER 40' Mounting height Lithonia poles "DS330 6"x6"x40' SSS-S/B-G.

1. Transfer. Seller does hereby covenant that: 1) it is the lawful owner of said Facilities, 2) the Facilities are free from all encumbrances, and 3) Seller has a good and lawful right to sell and dispose of the Facilities.
2. Buyer's Indemnification. The Buyer shall indemnify and hold harmless the Seller, its elected and appointed officials, employees, agents and assigns from and against all claims, actions, liability, costs, losses, harm, damages and expenses, including reasonable attorneys' fees, arising out of or in any way connected with Buyer's ownership, operation, maintenance and use of the Facilities being transferred under this Bill of Sale and Transfer Agreement. The Buyer's duty of indemnification herein prescribed shall only apply to events occurring after execution of this Bill of Sale and Transfer Agreement. Buyer and Seller acknowledge that this indemnification provision does not conflict with or negate the indemnity provision required under Electric Tariff G, Schedule 52.
3. No wireless communication facilities. Buyer shall not request or permit any wireless communications facilities to be located on the Facilities transferred under this Bill of Sale and Transfer Agreement.
4. Franchise agreement. Buyer and Seller acknowledge that the Facilities transferred under this Bill of Sale and Transfer Agreement shall be regulated under the franchise agreement between the parties, adopted pursuant to Ordinance No. 05-0233.
5. Banners & signs. With Buyer approval in writing, Buyer agrees to allow Seller to install banners and traffic control signs on the Facilities transferred under this Bill of Sale and Transfer Agreement. Seller may maintain or remove the same at its discretion.

IN WITNESS WHEREOF, said City of Kenmore, Washington and Puget Sound Energy has caused these presents to be executed on its behalf by its duly authorized representative this _____ day of _____, 2011.

City of Kenmore, Washington

Puget Sound Energy

Print name: _____

Print name: _____

By: _____

By: _____

Title: _____

Title: _____

EXHIBIT 1

PROJECT NAME: **Kenmore – SR522 Improvement Project**

Order #: 105061938

LOCATION: SR522 Between 65th Ave. NE and 83rd Pl. NE, Kenmore, WA

CUSTOM STREET LIGHTING ORDER

This order dated June __, 2011, to PUGET SOUND ENERGY, Inc. (PSE) from City of Kenmore, covers the maintenance and energy charges for the custom lighting as authorized by this order, the Bill of Sale and Transfer Agreement from the City of Kenmore to PSE dated _____ and described below. Billing will be on a Monthly basis and in accordance with the terms and conditions contained in PSE's Schedule 52, and any future modifications of such Schedule as may be approved by the Washington Utilities and Transportation Commission. Ownership of all future conductors, poles, fixtures, lamps and accessory equipment installed as a result of this order shall remain with PSE.

The installation charge of the listed lighting units was estimated to be **\$663,757.00**. Value of the system used to determine the monthly facilities charge is the estimated cost less applicable taxes.

Description:

(34) SPECIAL ORDER **100W** HPS Se'lux Quadro 2 "QD2-MR-S100 100 watt HPS, Type 5 as specified QD2-MR-1-S100-SP2-240 " luminaires
(34) SPECIAL ORDER 14' Mounting height Se'lux pole 14' mounting height, square, non-tapered Medium Bronze, Tenemec paint "SQ40-14-SP2-T35" poles
(32) SPECIAL ORDER **250W** HPS Lithonia Aeris luminaires and decorative curved adapter arms "250 HPS AS2 250S SR3 240 DCAS2 DF DDB LPI SY"
(32) SPECIAL ORDER 35' Mounting height Lithonia poles "DS330 6"x6"x35' SSS-S/B-GV-FP-LAB
(65) SPECIAL ORDER **400W** HPS Lithonia Aeris and arm AS2 400S SR3 240 ASKMA2 DF DDB LPI SY
(65) SPECIAL ORDER 40' Mounting height Lithonia poles "DS330 6"x6"x40' SSS-S/B-GV-FP-LAB
131 Poured Concrete Bases
12"x17" DOT handholes and secondary connectors
Approximately 20,410' underground wire plus conduit
12 Dot Style ES-2EU cabinets

The basis of the monthly facilities charge under Rate Schedule 52, is as follows:

☒ Monthly facilities charge is equal to 0.263 % x value of the system.
 $0.00263 \times \$5,542,684 = \$1,427.26$

The basis of the monthly energy charge under Rate Schedule 52 is as follows: (rates effective January 1, 2010)

34 - 100 Watt high pressure sodium units x \$4.35 =	\$ 147.90
32 - 250 Watt high pressure sodium units x \$10.39 =	\$ 332.48
65 - 400 Watt high pressure sodium units x \$16.28 =	<u>\$ 1,058.20</u>
Total energy charge	\$ 1,538.58

CUSTOM STREET LIGHTING ORDER – REVISION 3(Continued)
PROJECT NAME: **Kenmore – SR522 Improvement Project**

Monthly facilities charge	\$ 1,427.26
Monthly energy charge	<u>\$ 1,538.58</u>
Total monthly charge:	\$ 2,965.84

Total monthly average charge per streetlight: \$ 22.64

To transfer the energy and maintenance monthly billing, the new billing party must contact PSE in writing.

Non-standard facilities are not kept in PSE inventory for the purpose of maintenance; therefore replacement of non-standard components may not be within the same time as replacement of standard components.

If non-standard components are included in this order, enter "X" here X .

This order, executed by customer's duly authorized representative as of the date first written above is for service, as described above, under PSE's Schedule 52.

Customer: **City of Kenmore**

By: _____

Date: _____

Print Name

Title: _____

Company: Puget Sound Energy

By: _____

Date: _____

Print Name

Title: Account Manager



INTOLIGHT

- A Department of PSE
- Dedicated To Outdoor Lighting Services
- Maintenance & Energy is Offered At A Flat Monthly Fee
- Available For Public or Private Customers
- Broad Selection of Pole & Luminaire Styles
- Street & Area Lighting Is All We Do



DESIGN SERVICES - LIGHTING

- At No Cost:
 - Consultation & Design
 - Computer-Supported Engineering
 - Engineered Drawings
 - Obtain City Approval
 - Project Coordination
- We Only Charge For:
 - Material
 - Installation

APPLICATIONS

- Single and multi-family developments
- Street and area lighting
- Security/safety lighting
- Parking lots
- Marina lighting



VIIA. Authorize the Sale of the SR 522 Street Lights to Puget Sound Energy and Authorize the City Manager to Execute a Bill of Sale and Contract No. 11-C908 Transfer Agreement and

BENEFITS

INTOLIGHT

- Benefits To The City
 - No Metering Equipment Required
 - Direct Connection To PSE Electric System
 - Lighting Can Be Arranged During Construction
 - Coordination With City's Consultant
 - Economical "One-Stop-Service" For Lighting

MAINTENANCE PROGRAM

INTOLIGHT

Highlights

- Dedicated Crews For Lighting
- Guaranteed Response in 72 Hours
- Spoil Lamp & Photocell Replacement
- Scheduled Preventive Maintenance



MAINTENANCE PROGRAM

INTOLIGHT

Dedicated PSE Staff Handles:

- Claims
- Crew Coordination
- Billing
- Relocates, Removals
- Additions / Modifications
- Material Procurement
- Warranty Issues



CONTACT INFORMATION

INTOLIGHT

To Contact INTOLIGHT:

- PSE Emergency Response
 - 1-888-CALL PSE
- Non Emergencies
 - www.intolight.com
 - Fax: 425-462-3149
 - Account Manager –
Jim Kennedy
james.kennedy@pse.com
425-462-2978



VIIA. Authorize the Sale of the SR 522 Street Lights to Puget Sound Energy and Authorize the City Manager to Execute a Bill of Sale and Contract No. 11-C908 Transfer Agreement and

OUR CUSTOMERS

INTOLIGHT

- Cities & Electric Customers Located In:
Skagit, Whatcom, Island, Jefferson,
Kitsap, Thurston, Pierce, Kittitas &
King counties.
- Cities, HOAs, Developers and Builders,
Schools, Fire & Police, Hospitals,
Golf Courses, Private Property Owners.

Thank You.

INTOLIGHT

Lighting Services from Puget Sound Energy

© 2007 Puget Sound Energy. All Rights Reserved.

VIIA. Authorize the Sale of the SR 522 Street Lights to Puget Sound Energy and Authorize the City Manager to Execute a Bill of Sale and Contract No. 11-C908 Transfer Agreement and



City Of Kenmore, Washington

Memorandum

Date: June 3, 2011
To: Mayor, Members of the City Council
From: Fred Stouder, City Manager *JS*
RE: Proposed Amendments to the City of Kenmore Development Regulations Kenmore Municipal Code Titles, Land Division, Zoning, Planning Policies Titles 17, 18, and 19 Respectively

The City Council Agenda Packet and attached Agenda Bill Summary on the above subject are part of achieving the management work program, City Council priorities in supporting economic development, contract services review, and overall assessment of organizational service delivery. Most important, the agenda item addresses the important tasks of the review, simplifying, and bringing current the City of Kenmore land development and zoning policies and practices. Some of the language and requirements in the above titles are still carryovers from pre-incorporation King County land use practices, and at least thirteen if not fifteen or more years old.

The proposed amendments are grouped into four categories: 1. Those that "Eliminated Redundancies and Inconsistencies in the Development Code; 2. Those that are "Amendments to Streamline and Simplify Permit Processing"; 3. Those that would be "Amendments to Clarify Code Interpretation & Authority; 4. Those that would be "New Regulations to Clarify or Codify Existing Standards & Practices" Listed in the four columns in the attached are only major ones in the noted category. Several hundred others of various levels of significance are discussed in the agenda packet materials.

After the introductory discussion on the 13th of June, we propose for Wednesday June 29th, followed by other meetings as necessary and then a public hearing. On those changes agreed to by the City Council, we would suggest that by the end of July those be approved by the Council. Those items that may require more discussion would be set aside for later.

This significant and major effort, thanks to the commitment of Community Development Director Debbie Bent, and Senior Planner Lauri Anderson, follows on the transition to a singularly focused Land Development and Permitting Department, and the hiring of a Senior Planner in the Community Development Department. As a further aside and as noted on the agenda bill, this effort required at least 1056 hours, primarily of the Senior Planner Lauri Anderson, and others in the City Management team. If the effort had been contracted out to a private firm the cost would have been at least 50% more in time and money, and perhaps at more than twice that of the in house salaries and time costs. This objective is one of many years, and we are pleased to be able to begin this discussion.

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

CITY OF KENMORE, WASHINGTON

JUNE 3, 2011

PROPOSED DEVELOPMENT CODE AMENDMENTS (TITLES 17, 18 AND 19)

Eliminate Redundancies & Inconsistencies in the Development Code	Amendments to Streamline & Simplify Permit Processing	Amendments to Clarify Code Interpretation & Authority	New Regulations to Clarify or Codify Existing Standards & Practices
Water use standards	Short subdivision threshold increased from 4 to 9 lots	New language on substantial change for subdivision and short plat revisions	New standard to address subdivision/short subdivision layout
Four P-Suffix development conditions	Require improvements to be installed (except street trees) prior to plat recording	Code interpretation process added	New standard for street signage
Site Plan not required if master plan approved	Sidewalk waiver for short plats eliminated		New standard for street lighting
Critical aquifer recharge area standards	Increase height allowance for fence height from 6' to 8'		New height survey requirement
	Revise open space requirements		New allowance for some structures in rear yards of single-family zones
	Allowance for off-site tree replacement		New light and glare standards
	Administrative departure from design standards added		New recreational vehicle standards
	New site plan review process to replace CSDP process.		New critical area mitigation inspection requirement
	Revise some land use decision processes		New standard prohibiting roosters
	Limit mailing Notice of Decision to active participants		
	Increase SEPA thresholds		

1/3/11 3:15 p.m. **Note:** This table includes the more noteworthy amendments, there are many additional amendments proposed.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Review of Proposed Amendments to Development Regulations Including Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) of the Kenmore Municipal Code and Request for Council Direction Regarding Scheduling June 29, 2011 for a Council Workshop Meeting and July 18, 2011 for a Public Hearing			June 13, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Planning & Community Development	Debbie Bent	Lauri Anderson, Senior Planner	425-398-8900
COST OF PROPOSAL: Approximately 1056 staff hours from October 2010 through May 2011 to prepare and review the amendments.		ACCOUNT NUMBER: 01 58 5001 Regular Salaries & Wages	
AMOUNT BUDGETED: N/A		NAME AND FUND #: General Fund #01	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Staff Memo to the City Manager dated June 2, 2011 with 11 attachments: Attachment 1: Proposed Title 17 amendments showing edits; Attachment 1a: Proposed Title 17 amendments, clean version; Attachment 2: Proposed Title 18 amendments showing edits; Attachment 2a: Proposed Title 18 amendments, clean version; Attachment 3: Proposed Title 19 amendments showing edits; Attachment 3a: Proposed Title 19 amendments, clean version; Attachment 4: Matrix of proposed code amendments; Attachment 5: P-Suffix conditions to be eliminated; Attachment 6: Site Plan Review map; Attachment 7: Copy of Letter sent to Development Review Team (DRT) participants regarding the Commercial Site Development Permit (CSDP) review process including responses received; Attachment 8: Copy of RCW43.21C.240. Note: Council will receive a separate notebook containing attachments.			
SUMMARY STATEMENT: At the June 13, 2011 Council meeting, Planning & Community Development staff (Debbie Bent and Lauri Anderson) will present the proposed administrative amendments to Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) and will seek Council direction on setting a Council Workshop Meeting June 29, 2011 to address Council questions submitted either at the June 13, 2011 meeting or submitted in writing to the City Manager by June 22, 2011. If Council questions are addressed at the June 29, 2011 meeting, then the Public Hearing will proceed July 18, 2011 based on Council direction on proposed amendments.			
Titles 17, 18 and 19 contain the requirements and procedures that regulate land division and land development for the City of Kenmore, which implement the goals and policies of the City's adopted Comprehensive Plan. The administrative amendments are proposed in order to: eliminate redundancies and inconsistencies in the current code; streamline and simplify review and permit processes; specify code interpretation and decision making authority; and to include new regulations for clarity. The attached June 2, 2011 staff memo provides a summary of the proposed amendments.			
The development code amendment work program supports the second of the Council's top five goals which is to implement the economic development plan. A goal of the Economic Development Strategy adopted by Council June 1, 2009 is to "support existing businesses and pursue opportunities to expand employment". A strategy identified to implement this goal is "an audit of regulations, zoning, fees and processes to ensure that they are consistent with the Comprehensive Plan and Downtown Plan, supportive of investment in the City's target sectors according to current business practices, and competitive relative to neighboring communities". The development code amendment work program item supports implementation of the economic development strategy through a comprehensive audit of regulations and review of processes, along with identification of future code amendments (including a zoning review) to support Council's goal. This effort is a continuation of several measures taken to improve the city's land development process, including creation of the Development Review Team and the Division of Land Development and Permitting in 2010 to improve and streamline the development review and permit process.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: The proposed amendments have not previously been presented to the City Council. The			

VII.B.

Review of Proposed Amendments to Development Regulations Including Title 17

adopted 2011-2012 Biennial Budget includes a work program objective for the Department of Planning & Community Development to prepare recommendations for Council consideration regarding proposed amendments to development regulations to provide reorganization, correct inconsistencies and clarify standards. This work program is supported by Comprehensive Plan Land Use Objective 2.2, "Prepare clear development regulations consistent with the Comprehensive Plan." Policy LU-2.2.3 under this objective states that, "Kenmore's regulation of land use should...be expeditious, predictable, clear, straightforward, and internally consistent" and "be responsive, understandable, and accessible to the public."		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Council motion to set a June 29, 2011 date for a Council workshop meeting to discuss proposed amendments and a July 18, 2011 Public Hearing date to receive public comment on proposed administrative amendments to development regulations, Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Policies and Procedures).		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: June 2, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):



The City of Kenmore

18120 68TH AVENUE NE PO Box 82607
KENMORE, WASHINGTON 98028

MEMO

TO: Frederick Stouder, City Manager

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

DATE: June 2, 2011

SUBJECT: Administrative Amendments to Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) of the Municipal Code

The development code amendment work program supports the second of the Council's top five goals which is to implement the economic development plan. A goal of the Economic Development Strategy adopted by Council June 1, 2009 is to "support existing businesses and pursue opportunities to expand employment". A strategy identified to implement this goal is "an audit of regulations, zoning, fees and processes to ensure that they are consistent with the Comprehensive Plan and Downtown Plan, supportive of investment in the City's target sectors according to current business practices, and competitive relative to neighboring communities". The development code amendment work program item supports implementation of the economic development strategy through a comprehensive audit of regulations and review of processes, along with identification of future code amendments (including a zoning review) to support Council's goal. This effort is a continuation of several measures taken to improve the city's land development process, including creation of the Development Review Team and the Division of Land Development.

The attached amendments to Titles 17 through 19 of Kenmore's Municipal Code are recommended to make the city's development regulations clearer and more streamlined. Portions of these titles have not been amended since incorporation in 1998. In other instances, piecemeal amendments over the past 13 years have resulted in development code sections that are not consistent and, in some cases, actually conflict. The development code amendments project was undertaken to eliminate inconsistencies, resolve existing conflicts, and reorganize the codes for ease of use by permit staff, project applicants, and the general public. The amendments also eliminate redundancies—for example, removing layers of permit process review that are already addressed by other requirements. Where appropriate, staff surveyed codes in other cities (primarily, Kirkland, Bellevue, Redmond, Bothell, Lake Forest Park, and Shoreline) to look at approaches and standards.

Changes to development regulations must be approved by the City Council. Planning Commission involvement is not required if the amendments are consistent with the Comprehensive Plan and a public participation process meeting State requirements is

used. The public participation process should include public notice, a broad dissemination of proposals, opportunities for written comment, and public meetings to discuss the amendments.

Although the amendments are quite comprehensive and very detailed, we believe they are “administrative” in nature. They are consistent with the Comprehensive Plan. To provide an opportunity for public input to these changes, staff recommends that the City Council hold a public hearing.

The proposed amendments are shown in Attachments 1 through 3 in an underline/strike-through format with green highlighting indicating that text has been added or permanently deleted; yellow highlighting indicating that the text has been moved, but not deleted; and red highlighting or red text indicating a more noteworthy change. The amended titles also are provided in a “clean” format for your review (Attachments 1a, 2a and 3a).

We have included a matrix that lists issues raised at Development Review Team (DRT) meetings held in October 2010 and April of this year (Attachment 4). The purpose of these meetings was to identify and discuss possible amendments. The matrix identifies the issues raised by the DRT and how they are addressed in the amendments, as well as outlining code amendments for possible future work programs.

The following sections provide a more detailed discussion of some noteworthy changes to the titles. The changes are broadly grouped into four categories: changes to eliminate redundancies and inconsistencies; changes to streamline and simplify; changes to code interpretations and authority; and new regulations for clarity. The page numbers cited are from the underline/strike-through versions of the titles attached to this memo (Attachments 1-3).

Amendments to eliminate redundancies and inconsistencies.

These amendments are proposed to address holdover requirements from the King County Code and to minimize overlapping layers of permit review.

1. **Water use standards eliminated (18.40.140 through 18.40.210, pp. 210-213).**
The landscaping section of the code contains holdover language from King County addressing water usage, irrigation budgets, and irrigation standards. This section of the code has not been applied in the city since incorporation.
2. **Some P-suffix development conditions eliminated (18.47.030, p. 249).** When Kenmore incorporated, a series of “P-suffix” development conditions was adopted from King County. These conditions apply to one or more properties in the city on top of the requirements imposed by Title 18. Currently, nine P-suffix conditions are in effect in the city, covering multiple properties. Staff proposes to eliminate four of them with this set of amendments as the topics are already addressed by existing regulations or because they are no longer relevant. The four P-suffixes proposed for elimination are NS-P3, NS-P16, NS-P17, and NS-P22 (see Attachment 5). Existing street and design standards address the landscaping and sidewalk requirements of NS-P3. Clustering requirements in the existing R1 zone and KMC 18.30.100 (transfer of density) address the requirements of NS-P16. The 35' height limit in the CB zone addresses NS-P17. Finally, the lack of formal equestrian trails in the city eliminates the need for NS-P22. The five remaining P-suffix conditions apply to the

Lakepointe and Plywood Supply sites, to Harbour Village Marina, and to properties located along the NE 185th Street right-of-way. Discussion of these more substantive P-suffixes will be incorporated into a future work program (see discussion below under upcoming work program).

3. **Requirement for site plan review eliminated if a master plan is approved for a site (18.120.040(D), p. 395).** Once a project has received master plan approval, the general layout of the project has been addressed and the need for an additional site plan review (prior to building permit) is unnecessary. For this reason, staff proposes eliminating the site plan review requirement for properties with approved master plans. This would affect the recently approved Bastyr Master Plan, allowing the University to move straight to building permit review without a CSDP. This would not affect the Lakepointe Master Plan as a CSDP has already been obtained and the site is bound by its conditions.
4. **Critical Aquifer Recharge Area chapter eliminated (19.40, p. 59).** This chapter is a holdover from the King County code and addresses critical aquifer recharge areas, although none have been identified in the city. At the time of the critical area regulations review in 2006, the environmental consultant suggested that development of new regulations be deferred until more analysis was complete. Regardless, this chapter does not belong in Title 19 which addresses planning procedures.

Amendments to streamline and simplify

These amendments are designed to benefit project applicants and/or the general public by reducing permit processing times and some development requirements. They also minimize staff time needed for review, inspection and enforcement.

1. **Short subdivision threshold increased to 9 lots from 4 lots; subdivision threshold moves to 10 or more lots (17.10.310 and 17.10.320, pp. 6-7).** The standards for reviewing short subdivisions and subdivisions generally are identical, only the processes are different. A short subdivision is a Type 2 permit (administrative decision after public notice, with the opportunity for appeal to the hearing examiner). A subdivision is a Type 3 permit (hearing and decision by the hearing examiner, with the opportunity for appeal to superior court). State law allows the threshold for a short plat to be increased from four to nine lots. In surrounding jurisdictions, Kirkland and Redmond use the 9-lot threshold. Bothell, Lake Forest Park and Shoreline use the 4-lot threshold. The higher threshold is an incentive to platting as it generally reduces review time and cost.
2. **Standards modified to require that all improvements, except street trees and replacement trees, be installed, inspected and approved prior to recording a subdivision/short subdivision (17.25.024 and 17.25.030, pp. 22-23).** Currently, only minimum improvements must be installed prior to recording a subdivision/short subdivision. (Recording is the point at which the lots in a plat can be sold.) In place of installation, the city accepts financial guarantees (typically bonds) that generally require installation within two years of recording. This allowance can create numerous problems if a developer goes out of business, if financial guarantees fail, or if homeowners move into a development with incomplete improvements. Requiring that the improvements be in place before recording will eliminate paperwork associated with financial guarantees (for both staff and applicants), and will ensure that required site improvements are in place for new homeowners.

3. **Sidewalk waiver for short plats eliminated (17.25.100, p. 26).** Under existing rules, the city may waive (and has waived) the requirement for sidewalks in a short plat if the applicant signs an agreement not to protest the formation of a Local Improvement District (LID) for sidewalk improvements in the future. This option makes it very difficult to develop a sidewalk network and it will become increasingly difficult if the short plat threshold is increased to nine lots as proposed. The city holds 17 signed agreements; no LIDs have been formed. Elimination of this option will reduce city-managed agreement paperwork (and future staff resources to set up and manage an LID), while installing sidewalks for immediate use by occupants of a new development.
4. **Allowance made for additional fence height (18.30.040, p. 189).** In setback yards, only a 6'-tall fence is allowed presently. The amendments increase this height allowance to 8', allowing for fence-top trellises and reducing staff time spent in code compliance review. Currently, the City of Bellevue allows fence heights up to 8' in all yards except the front yard. Kirkland, Bothell, and Shoreline retain a 6' height limit for fences in required yards.
5. **Recreational open space requirements revised (18.30.130, p. 193).** Existing regulations require a children's play area in subdivisions and multifamily projects. In some instances, applicants have suggested other amenities (picnic tables, benches, etc.) in place of children's play equipment to enhance use of the recreational open space by all residents without prohibiting use of the space by children. Consistent with regulations in other communities (Bothell and Kirkland, for example), the revised standards would still require the open space, but would allow more flexibility in the amenities provided. Too, the threshold for requiring the open space would increase to ten dwelling units (rather than the current 4 dwelling units).
6. **Allowance for off-site tree replacement added (18.57.080, p. 322).** A new section allows the city to consider off-site tree replacement in cases where the applicant believes their lot is too small to install the required number of trees. In a recent case, a steep, terraced lot did not have adequate room between retaining walls to plant required trees. This code amendment codifies an alternative procedure for addressing such situations.
7. **Opportunity provided for administrative departure from design standards (18.52.075(B), p. 266).** At the present time, design review is a Type 2 decision (administrative with an appeal to the Hearing Examiner), but with no requirement for any public notice. Given that there is no public notice of the design review application, it is likely that any appellant would be the project applicant. Draft amendments to Title 19 would make design review an administrative decision with no opportunity for appeal. To provide an opportunity for an applicant to propose a design solution not strictly meeting the standards of the code, a new administrative "design departure" process is proposed, modeled after a similar provision in Kirkland.
8. **Commercial site development permit (CSDP) process eliminated and new "site plan review" process created (18.90, p. 370 and 18.105, p. 387).** The CSDP has been a concern for the city over several years. The existing thresholds mean that almost any project (3 units or more of multifamily, any commercial, office, institutional, or mixed use project) must obtain a Type 2 permit (administrative, with public notice and the opportunity for appeal) before applying for a building permit. This is a significant disincentive to new, smaller development proposals, particularly as the CSDP process has no approval criteria and basically addresses existing development standards (the same review process a building permit would undergo). Staff has developed a new site plan review process, with approval criteria, that would

apply only in certain parts of the city (see Attachment 6). These areas have been chosen based on their relationship to the downtown core or because they are gateways to the city. Other large properties in the Public/Semi-Public zone would also go through site plan review. Staff also has moved the requirement for addressing proposed unlisted uses in the Parks, Golf Course, and Public/Semi-Public zones to this process (currently, master plans are required). The new site plan review process adds flexibility for the City Manager to require a property to go through this process after a preliminary review of the project's scope and for an applicant to choose to go through the process if they wish to establish vesting rights. The new proposal was e-mailed to 14 individuals who, over the past four years have participated in the CSDP process, asking for their reaction. Four responses (from the contact persons for Kenmore Square, Ostrom's, City Hall, and Bastyr University) were received supporting the change (see Attachment 7).

9. **Some land use decision processes—particularly, design review, temporary use, and communication facilities—revised (19.25.020 Exhibit A, p. 22).** As discussed earlier, the design review process is presently a Type 2 decision with an opportunity for appeal but no public notice. Staff recommends removing design review from the decision table as the standards are reviewed with any permit, similar to landscaping and parking standards. Temporary use permits are currently Type 2 decisions. Staff recommends reducing the process to a Type 1 decision as the uses are temporary in nature and are often proposed within a timeframe too short to allow the more intensive review process. Communication facilities are presently Type 1a decisions, with public notice but no opportunity for appeal. Staff recommends making these Type 2 decisions to allow appeals when public comment is solicited.
10. **Mailing of a Notice of Decision limited to those who have been actively following the proposal (19.25.090, pp. 32-33).** A Notice of Decision (which follows an initial Notice of Application and is sent after the decision is made) now is sent to property owners of record within 500' of the proposal. The revised requirement would mail the notice only to those who either requested notice of the decision or submitted comments on the application. This will save the city labor and material costs while still notifying those who are actively interested in the project.
11. **State Environmental Policy Act (SEPA) review thresholds increased (19.35.060, pp. 49-50).** In recent years, with adoption of growth management comprehensive plans and associated regulations—including critical area rules—SEPA has become a less important tool in the land use regulation toolbox. In fact, the state has suggested that SEPA review can be minimized if existing regulations adequately address "probable specific adverse environmental impacts" (RCW 43.21C.240, Attachment 8). At the state level, the House in the most recent legislative session passed a bill that would have resulted in adoption of significantly higher SEPA thresholds. While that bill ultimately failed, it is anticipated that additional efforts to eliminate the redundancy of SEPA in growth management communities will be made. Kenmore currently relies on the most restrictive SEPA thresholds, even though the opportunity is provided in state law to increase those thresholds. Staff is recommending that the city's SEPA thresholds be increased to the maximum allowed by state law (20 dwelling units; a barn or similar agricultural structure of 30,000 square feet; an office, school or commercial building of 12,000 square feet with associated parking for 40 cars; a 40-car parking lot; or 500 cubic yards of grading). The city's existing regulations are adequate to mitigate concerns for projects below these maximum thresholds and elimination of unnecessary SEPA review streamlines the permit process.

Amendments addressing code interpretation and authority

These amendments are proposed to clarify decision-making criteria and interpretation of code standards.

1. **Review standards expanded for subdivision and short subdivision revisions (17.20.030 and 17.20.060, pp. 15-16).** Existing standards do not define “substantial changes” that would result in consideration of a new subdivision or short subdivision application. New language has been developed to provide guidance on what should be considered a “substantial change.”
2. **Code interpretation process codified (18.10.070, p. 4).** The city does not have a formal process for interpreting the zoning code. This section establishes such a process and provides an opportunity for appeal of a written interpretation.

New regulations for clarity

These amendments are proposed to clarify existing processes and standards or to codify existing development practices.

1. **New standard added to address subdivision/short subdivision layout (17.20.120(C), p. 18).** Currently, there is no code standard to prevent unusual lot layouts that could make future understanding of lot shape/size difficult for owners and neighbors. Staff tries to work with applicants to improve lot layouts if they appear problematic, but has no code guidance to rely on. This new standard, modeled after a similar standard in Redmond, addresses this concern and also provides an opportunity to waive the requirement if unusual conditions warrant.
2. **New standard added for street signage (17.20.105, p. 18).** This new standard clarifies that project applicants are financially responsible for the motor vehicle and pedestrian traffic signs necessitated by a new subdivision or short subdivision.
3. **New standard added for street lighting (17.20.107, p. 18).** This new standard clarifies that project applicants are financially responsible for the street lighting necessitated by a new subdivision or short subdivision.
4. **New height survey requirement added (18.30.050, p. 191).** To ensure that the city's height standards are being met, a new regulation is proposed that would require an applicant to verify height when the structure comes close to the maximum allowable.
5. **New allowances created for some structures in rear yards in single-family zones (18.30.230(B), (O) and (P), pp. 196-197).** In 2008, the city adopted new standards in the R-4 and R-6 residential zones requiring a 20' rear yard in order to provide open space between structures on adjoining properties. Over the three years since adoption, staff has had to reject numerous requests from citizens to put a storage shed or other minor structure in the rear yard. The new standards would make allowances for small garden sheds or similar structures, detached arbors, and children's play structures in the rear yard.
6. **New light and glare standards added (18.30.070, p. 192).** The city currently has no standards addressing light and glare outside of the downtown. This new section would give the city authority to regulate light and glare in the event of a complaint and is modeled after similar code language in Bothell. Kirkland, Redmond and Shoreline codes also contain light and glare standards.
7. **New recreational vehicle (RV) standards added (18.30.155, p. 195).** The code compliance officer has identified a need to provide standards to limit use of

recreational vehicles (RVs) as dwelling units. The new standards would allow RV use as temporary lodging for up to 3 weeks twice a year, with an opportunity for increased time through the temporary use permit process. The amendments are modeled after similar provisions in Bellevue, Redmond and Shoreline.

8. **New requirement added for a critical area mitigation inspection (18.55.220, p. 295).** As a time and cost savings measure for the city, the qualified professional who prepared a critical area mitigation plan would conduct the installation inspection required before the monitoring and maintenance period for the mitigation begins.
9. **New standard added to prohibit the keeping of roosters in the city (18.70.020, p. 339).** Roosters would no longer be allowed within city limits. Roosters are not necessary for egg production. Existing regulations allow three chickens per household on a lot less than 20,000 square feet, five on lots of 20,000 to 35,000 square feet, and up to 20 based on acreage over 35,000 square feet.

Upcoming Work Program

Over the course of developing these proposed code amendments, additional, more substantive amendments, also have been identified. These amendments are listed and grouped at the back of the matrix of Development Review Team (DRT) comments and responses (Attachment 4). As a first next step, staff is proposing to look at the city's commercially-zoned areas. For commercially-zoned properties north of SR522, staff would assess the development code regulations for the Regional Business, Community Business, and Downtown Commercial zones to determine if zones and regulations can be consolidated.

For Regional Business zoned properties south of SR522, staff would review the relevant P-suffix and zoning requirements and provide options and recommendations for potential amendments to the comprehensive plan, zoning map and development regulations.

Attachments

- Attachment 1: Proposed Title 17 amendments
- Attachment 1a: Proposed Title 17 amendments, clean version
- Attachment 2: Proposed Title 18 amendments
- Attachment 2a: Proposed Title 18 amendments, clean version
- Attachment 3: Proposed Title 19 amendments
- Attachment 3a: Proposed Title 19 amendments, clean version
- Attachment 4: Matrix of DRT comments and responses
- Attachment 5: P-Suffix conditions to be eliminated
- Attachment 6: Site Plan Review map
- Attachment 7: Letter sent to DRT participants regarding the CSDP process, along with responses received
- Attachment 8: RCW 43.21C.240

VII B.

Review of Proposed Amendments to Development Regulations Including Title 17

Title 17

LAND DIVISION

Chapters:

- 17.05 Purpose
- 17.10 Definitions
- 17.15 ~~Administration~~ General
- 17.20 Subdivisions and Short Subdivisions
- 17.25 Final Plat and Final Short Plat
- 17.30 Binding Site Plans
- ~~17.35 Condominiums~~
- 17.40 ~~Minor~~ Boundary Line Adjustments

Chapter 17.05

PURPOSE

Sections:

17.05.010 Purpose.

17.05.010

Purpose.

The purpose of this title is to:

- A. Establish the authority and procedures for segregating land in the city of Kenmore.
- B. Define and regulate divisions of land that are exempt from the *short subdivision* or *subdivision* requirements.
- C. Ensure consistency with and implement the city of Kenmore comprehensive plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.
- D. Require uniform monumenting of land subdivisions and conveyance by accurate legal description.
- E. Protect and preserve the public health, safety and general welfare in accordance with the standards established by the city of Kenmore and the state of Washington.
- F. Ensure consistency with Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.01.010).]

Chapter 17.10

DEFINITIONS

Sections:

- 17.10.010 Acre.
- 17.10.020 Alteration.
- 17.10.030 Applicant.
- 17.10.040 Binding site plan.
- 17.10.050 Building envelope.
- 17.10.060 Building site.
- ~~17.10.065 City.~~
- ~~17.10.067 City manager.~~

- 17.10.070 Civil engineer.
- 17.10.080 Condominium.
- 17.10.090 Dedication.
- 17.10.100 Department.
- 17.10.110 Development engineer.
- ~~17.10.120 Director.~~
- 17.10.130 Easement.
- ~~17.10.140 Engineered preliminary drainage plan.~~
- 17.10.150 Financial guarantee.
- 17.10.160 General site plan.
- ~~17.10.170 Homeowners' association.~~
- 17.10.180 Improvements.
- 17.10.190 Innocent purchaser.
- 17.10.200 Land surveyor.
- 17.10.210 Lot.
- 17.10.220 Nonbuilding lot.
- 17.10.230 Ownership interest.
- 17.10.240 Parent parcel.
- 17.10.250 Plat, final.
- 17.10.260 Plat, preliminary.
- 17.10.270 Revision.
- 17.10.280 Segregation.
- 17.10.290 Short plat, final.
- 17.10.300 Short plat, preliminary.
- 17.10.310 Short subdivision.
- 17.10.320 Subdivision.
- 17.10.330 Tract.

This chapter contains definitions of technical and procedural terms used throughout this title. Defined terms are shown in italics in the text of the title.

17.10.010

Acre.

“Acre” means an area of land equal to 43,560 square feet. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.010).]

17.10.020

Alteration.

“Alteration” means the modification of a previously recorded plat, short plat, *binding site plan*, or any portion thereof, that results in modifications to conditions of approval, the addition of new *lots* or more land, or the deletion of existing *lots* or the removal of plat or lot restrictions or *dedications* that are shown on the recorded plat. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.020).]

17.10.030

Applicant.

“Applicant” means a property owner, or a public agency or public or private utility that owns a right-of-way or other *easement* or has been adjudicated the right to such *easement* pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or *easement* owner to be the applicant, in an

application for a development proposal, permit or approval. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.030).]

17.10.040**Binding site plan.**

“Binding site plan” means a plan drawn to scale processed in accordance with KMC 17.30.010 through 17.30.060 and Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.040).]

17.10.050**Building envelope.**

“Building envelope” means the area of a *lot* that delineates the limits of where a building may be placed on a *lot*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.050).]

17.10.060**Building site.**

“Building site” means a parcel, consisting of one or more *lots* or portions thereof, that is capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions, health and safety provisions. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.060).]

17.10.065**City.**

“City” means the city of Kenmore.

17.10.067**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

17.10.070**Civil engineer.**

“Civil engineer” means an individual registered and licensed as a professional civil engineer pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.070).]

17.10.080**Condominium.**

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter 64.32 or 64.34 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.080).]

17.10.090**Dedication.**

“Dedication” means the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a *final plat*, *final* short plat or *binding site plan* showing the dedication thereon or quit

claim deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, *binding site plan* or quit claim deed for filing by the *city*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.090).]

17.10.100**Department.**

“Department” means the *Kenmore city* department *of community development or outside agency assigned by the city manager to administer a portion of the city code.*

17.10.110**Development engineer.**

“Development engineer” means the *director of the department of community development city manager* or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, *roadstreet* and drainage projects constructed pursuant to permits administered by the *department* and required pursuant to this title. The *city manager or his or her designee acting as the development engineer designee* shall be a professional *civil engineer* registered and licensed pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.110).]

17.10.120**Director.**

“Director” means the *director of the Kenmore department of community development or his or her designee.* [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.120).]

17.10.130**Easement.**

“Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes that may include, but are not limited to, *roadstreet* access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.130).]

17.10.140**Engineered preliminary drainage plan.**

“Engineered preliminary drainage plan” means a preliminary plan, consistent with the city’s adopted King County Surface Water Design Manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.140).]

17.10.150**Financial guarantee.**

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of *improvements*, compliance with this code or to warrant materials, workmanship of *improvements* and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the *director city manager*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.150).]

17.10.160**General site plan.**

“General site plan” means a site plan approved pursuant to this title that is not based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit plan review issued for the entire site. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.160).]

17.10.170**Homeowners' association.**

“Homeowners' association” means any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan. A homeowners' association need not have any official status as a separate legal entity under the laws of the state of Washington. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.170).]

17.10.180**Improvements.**

“Improvements” mean constructed appurtenances, including but not limited to roadstreet and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.180).]

17.10.190**Innocent purchaser.**

“Innocent purchaser” means an individual who has purchased real property for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.190).]

17.10.200**Land surveyor.**

“Land surveyor” means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.200).]

17.10.210**Lot.**

“Lot” means a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous laws governing the subdivision, short subdivision or segregation of land. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.210).]

17.10.220**Nonbuilding lot.**

“Nonbuilding lot” means a lot created, defined as a nonbuilding lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.220).]

17.10.230**Ownership interest.**

“Ownership interest” means having property rights as a fee owner, contract purchaser. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.230).]

17.10.240**Parent parcel.**

“Parent parcel” means each existing *lot* that is located within the perimeter of a proposed boundary line adjustment application. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.240).]

17.10.250**Plat, final.**

“Final plat” means the final drawing of the *subdivision* and *dedication* prepared for filing with the *city auditor* and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.250).]

17.10.260**Plat, preliminary.**

“Preliminary plat” means a neat and approximate drawing of a proposed *subdivision* showing the general layout of streets, alleys, *lots*, blocks and other elements of a *subdivision* required by this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a *subdivision*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.260).]

17.10.270**Revision.**

“Revision” means a change prior to recording of a previously approved *preliminary plat*, *preliminary short plat* or *binding site plan* that includes, but is not limited to, the addition of new *lots*, *tracts* or *parcels*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.270).]

17.10.280**Segregation.**

“Segregation” means a division of land by any of the following means: *subdivisions*, *short subdivisions*, *and binding site plans* and divisions described in KMC 17.10.040. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.280).]

17.10.290**Short plat, final.**

“Final short plat” means the final drawing of the *short subdivision* and *dedication* prepared for filing with the *city auditor* and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.290).]

17.10.300**Short plat, preliminary.**

“Preliminary short plat” means a neat and approximate drawing of a proposed *short subdivision* showing the general layout of streets, alleys, *lots*, blocks and other elements of a *short subdivision* required by this title and Chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a *subdivision*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.300).]

17.10.310**Short subdivision.**

“Short subdivision” means a division or redivision of land into *four* (SIGNIFICANT CHANGE) or fewer *lots*, *tracts*, *parcels* or *sites* for the purpose of sale, lease or transfer of ownership. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.310).]

17.10.320**Subdivision.**

“Subdivision” means a division or redivision of land into ~~five~~ **(SIGNIFICANT CHANGE)** or more *lots*, *tracts* or parcels for the purpose of sale, lease or transfer of ownership. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.320).]

17.10.330**Tract.**

“Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered *lots* or *building sites* for purposes of residential dwelling construction. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.330).]

Chapter 17.15**ADMINISTRATION GENERAL**

Sections:

- 17.15.010 Scope of chapter.
- 17.15.020 Adverse possession lawsuit – Consent or judgment required.
- 17.15.030 Transfer of land or granting of an easement to a public agency.
- 17.15.040 Exemptions – Subdivision and short subdivision.
- 17.15.050 Recording map and legal descriptions.
- 17.15.060 Review for conformity with other codes, plans and policies.
- 17.15.070 Determining and maintaining legal status of a lot.
- 17.15.080 Removing limitations on nonbuilding lots.
- 17.15.090 Determining innocent purchaser status.
- ~~17.15.100 Public street rights of way.~~
- ~~17.15.110 Limitations within future road corridors.~~
- 17.15.120 Affidavit of correction.
- 17.15.130 Vertical and horizontal survey controls.
- 17.15.140 Financial guarantees.
- 17.15.150 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.
- ~~17.15.160 Minimum subdivision and short subdivision improvements.~~
- 17.15.170 Violations and enforcement.
- ~~17.15.180 Circumvention of zoning density prohibited.~~
- 17.15.190 Rules.

17.15.010**Scope of chapter.**

This chapter contains provisions general to the administration of land *segregation*. Any *segregation* of land is subject to the provisions of this title except as stated herein. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.010).]

17.15.020**Adverse possession lawsuit – Consent or judgment required.**

Applications for *segregation* allowed by this title concerning lands on which there is a pending lawsuit for adverse possession will not receive final approval without the consent of the adverse possession claimant or

until a trial court judgment settling the lawsuit is entered. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.020).]

17.15.030

Transfer of land or granting of an easement to a public agency.

The transfer of land or granting of an *easement* to a public agency for ~~roadstreet~~ and utility purposes shall not be considered a *segregation* of land. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.030).]

17.15.040

Exemptions – Subdivision and short subdivision.

The *subdivision* and *short subdivision* provisions of this title shall not apply to:

- A. Divisions of lands for cemeteries and other burial plots while used for that purpose.
- ~~B. Divisions of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or 40 acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline; and further provided, that within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of KMC 18.30.040(A) for the respective zone.~~
- ~~CB.~~ Divisions of land into *lots* or *tracts* that are one-one-hundred-twenty-eighth of a section, or five *acres* or larger only for the purpose of allowing fee simple purchase or deeding of such *lots* or *tracts* to public agencies.
- ~~DC.~~ Divisions of land made by testamentary provisions or laws of descent.
- ~~ED.~~ Divisions of land into *lots* or *tracts* consistent with RCW 58.17.040(7), for which a condominium *binding site plan* has been recorded in accordance with the *binding site plan* provisions set forth in this title.
- ~~FE.~~ An adjustment of boundary lines in accordance with the provisions of this title.
- ~~GE.~~ Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a *binding site plan* for the use of the land as a mobile home park has been approved by the ~~director~~*city manager*.
- ~~HG.~~ Divisions of land by *binding site plan* into *lots* or *tracts* classified for industrial or commercial use consistent with the *binding site plan* provisions of this title.
- ~~IH.~~ Divisions of land by a public roadway or freeway, as defined by the adopted ~~King County~~ roadway functional classification system, that is planned, established, financed and constructed by a state or city agency after January 1, 2000. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.040).]
- ~~I. A division for purposes of leasing land for facilities providing personal wireless services while used for that purpose as described in RCW 58.17.040(8).~~
- ~~J. A division of land into lots or tracts of less than three acres to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as defined in RCW 58.17.040(9).~~

17.15.050

Recording map and legal descriptions.

The final recording map and legal description of a plat, short plat, boundary line adjustment or *binding site plan* shall be prepared by a *land surveyor* in accordance with Chapter 58.09 RCW and Chapter 332-130 WAC, Surveys and Recording, and be recorded with the King County office of records and elections as required by this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.050).]

17.15.060**Review for conformity with other codes, plans and policies.**

Applications for approvals pursuant to this title shall be reviewed in accordance with the applicable procedures of any combination of this title and Chapters 19.25 and 19.30 KMC. Furthermore, applications for *subdivisions*, *short subdivisions* and *binding site plans* may be approved, approved with conditions or denied in accordance with the following adopted ~~county and state~~ rules, regulations, plans and policies including, but not limited to:

- A. Chapter 43.21C RCW (SEPA);
- B. Chapter 58.17 RCW (Subdivisions);
- C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
- ~~FD.~~ Chapter 1.20 KMC (Code Enforcement);
- ~~FE.~~ KMC Title 12 (~~RoadStreets~~ and Bridges);
- ~~FF.~~ KMC Title 13, Division I (Water and Sewer Systems);
- ~~FG.~~ KMC Title 13, Division II (Surface and Stormwater Utility);
- ~~GH.~~ KMC Title 15 (Buildings and Construction);
- ~~KI.~~ KMC Title 16 (Environment);
- ~~LI.~~ KMC Title 18 (Zoning);
- ~~HK.~~ Chapter 19.35 KMC (Environmental Procedures);
- L. Administrative rules adopted;
- M. ~~Seattle~~/King County ~~board of~~ public health rules and regulations;
- ~~N. City of Kenmore approved utility comprehensive plans;~~
- ~~ON.~~ City of Kenmore comprehensive plan;
- ~~PO.~~ ~~CityCounty~~-wide planning policies;
- ~~QP.~~ This title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.060).]

17.15.070**Determining and maintaining legal status of a lot.**

A. A property owner may request that the *department* determine whether a *lot* was legally segregated. The property owner shall demonstrate to the satisfaction of the *department* that a *lot* was created in compliance with applicable state and local land *segregation* statutes or codes in effect at the time the *lot* was created, including, but not limited to, demonstrating that the *lot* was created:

- 1. Prior to June 9, 1937 and the *lot* has been:
 - a. Provided with approved sewage disposal or water systems or ~~roadstreets~~; or
 - b. Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to October 1, 1972;
 - c. Recognized prior to October 1, 1972 as a separate tax lot by the county assessor;
- 2. Through a review and approval process recognized by the *city* for the creation of four *lots* or less from June 9, 1937 to October 1, 1972 or the subdivision process on or after June 9, 1937;
- 3. Through the *short subdivision* process on or after October 1, 1972; or
- 4. Through the following alternative means allowed by the state statute or *city* code:
 - a. For the raising of agricultural crops or livestock, in parcels greater than 10 *acres*, between September 3, 1948, and August 11, 1969;
 - b. For cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;
 - c. At a size five *acres* or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a *dedication*;
 - d. At a size 20 *acres* or greater, recognized prior to the effective date of this title; provided, however, for remnant *lots* not less than 17 *acres* and no more than one per quarter section;
 - e. Upon a court order entered between August 11, 1969, ~~to~~and July 1, 1974;
 - f. Through testamentary provisions or the laws of descent after August 10, 1969;

- g. Through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969;
 - h. As a result of deeding land to a public body after April 3, 1977, and that is consistent with the *city of Kenmore* zoning code, access and *board of Seattle/King County public* health requirements so as to qualify as a *building site* pursuant to KMC 17.10.060; or
 - i. By a partial fulfillment deed pursuant to a real estate contract recorded prior to October 1, 1972, and no more than four *lots* were created per the deed.
- B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the *department*, such as:
- 1. Recorded subdivisions or division of land into four *lots* or less;
 - 2. King County or Kenmore documents indicating approval of a *short subdivision*;
 - 3. Recorded deeds or contracts describing the *lot* or *lots* either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
 - 4. Historic tax records or other similar evidence, describing the *lot* as an individual parcel. The *department* shall give great weight to the existence of historic tax records or tax parcels in making its determination.
- C. Once the *department* has determined that the *lot* was legally created, the *department* shall continue to acknowledge the *lot* as such, unless the property owner re-aggregates or merges the *lot* with another *lot* or *lots* in order to:
- 1. Create a parcel of land that would qualify as a *building site*; or
 - 2. Implement a deed restriction or condition, a covenant or court decision.
- D. The *department's* determination shall not be construed as a guarantee that the *lot* constitutes a *building site* as defined in KMC 17.10.050.
- E. Re-aggregation of *lots* after January 1, 2000 shall only be the result of a deliberate action by a property owner expressly requesting a permanent merger of two or more *lots*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.070).]

17.15.080**Removing limitations on nonbuilding lots.**

Limitations placed on a *nonbuilding lot* may be removed and the *lot* recognized by Kenmore as a building lot by approval of a *subdivision, short subdivision, binding site plan* or *alteration* of a plat, short plat or *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.080).]

17.15.090**Determining innocent purchaser status.**

A. An *innocent purchaser* of a parcel divided in violation of Kenmore subdivision requirements who files a notarized affidavit of innocent purchase with the *department* on forms approved by the *director/city manager* may seek to establish the parcel's eligibility for *city* development approvals and for lawful future conveyance; provided, that nothing herein is intended to exempt development on innocent purchaser *lots* from compliance with development standards of the *city's* zoning code.

B. All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single *lot*.

C. Innocent purchaser status shall not be granted to any individual or group more than once. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.090).]

17.15.100**Public street rights of way.**

Dedication or deeding to the city of right of way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots

within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:

- A. Where the six year capital improvement plan or transportation needs report indicates the necessity of a new right of way or portion thereof for street purposes;
- B. Where necessary to extend or to complete the existing or future neighborhood street pattern;
- C. Where necessary to provide additions of right of way to existing city right of ways;
- D. Where necessary to comply with city road standards and Kenmore road plans;
- E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the Kenmore comprehensive plan or Kenmore zoning code; provided, that the right of way shall:
 - 1. Provide for vehicular and pedestrian circulation within and between neighborhoods;
 - 2. Provide local traffic alternatives to the use of arterial streets; and
 - 3. Reduce potential traffic impacts to existing residential access streets. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.100).]

17.15.110

Limitations within future road corridors.

In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the city may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.110).]

17.15.120

Affidavit of correction.

A. Any map page or document on file with the records and elections division under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

- 1. Any courses, distances or elevations omitted from the recorded document;
- 2. An error in any courses, distances or elevations shown on the recorded document;
- 3. An error in the description of the real property shown on the recorded document;
- 4. An error in the field location of any shown *easement*; or
- 5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning *lot* or *tract* configurations.

C. The affidavit of correction shall contain the seal and signature of the *land surveyor* making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the *department*.

E. The affidavit of correction form, as provided by the *department*, shall be submitted to the *department* for review and approval and shall include signatures of the *development engineer*, the *director of the department*, *city manager*, and the King County assessor and the *director*. After *department* approval, the affidavit shall be recorded with the records and elections division. Submittals shall include payment of fees as authorized by KMC Title 20.

F. Should a non survey related error occur on the recorded document as a result of information required to be placed on the document by the department, the department's responsible land surveyor may prepare the affidavit providing the original land surveyor has no objections. The seal and signature of the department's

responsible land surveyor making the correction shall be affixed to the affidavit. A copy of the affidavit shall be mailed by the department to the original land surveyor following recording. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.120).]

17.15.130

Vertical and horizontal survey controls.

A. Vertical Requirements. The vertical datum on all engineering plans, plats, *binding site plans* and short plats shall be the North American Vertical Datum of 1988 (NAVD 88) and shall be tied to at least one city of Kenmore survey control network benchmark. The benchmark will be shown on the plans. If a city of Kenmore survey control network benchmark does not exist within one-half mile of the subject property, or 250 feet or greater of total vertical difference exists between the starting benchmark and the project, an alternate vertical datum may be used.

B. Horizontal Requirements. The horizontal component of all plats, *binding site plans* and short plats shall have the North American Datum of 1983 (NAD 83) as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two city of Kenmore survey horizontal control monuments. If two horizontal control monuments do not exist within one mile of these projects, an alternate coordinate base and basis of bearings may be used. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.130).]

17.15.140

Financial guarantees.

Notwithstanding any other provision of this title, the director/city manager is authorized to require all applicants issued permits or approvals under the provisions of this title to post *financial guarantees* consistent with the provisions of KMC Title 21. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.140).]

17.15.150

Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.

The following application requirements shall be required: applicant shall file the following information with the department in addition to those application requirements described in KMC 19.25.040:

A. A title report issued within 30 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting the site; A complete permit application, with supporting affidavits, on forms provided by the department;

B. Information requested on the application checklist provided by the department; and A map prepared by a land surveyor showing the following:

1. Location of all physical and legal description encroachments affecting the boundary between the application site and the adjoining parcels. Encroachments may be from the application site onto the adjoining parcels or from the adjoining parcels onto the application site;

2. Contours based upon topographic field survey. For land inside the urban growth boundary, contour intervals shall be at two foot intervals when slopes are 15 percent or less and five foot intervals for slopes exceeding 15 percent. The preliminary map shall contain notes indicating that contours are based upon field survey. A field topographic base map shall accompany the application. If approved by the department, field survey may be waived for large areas of open space or extensive critical area tracts. Two temporary benchmarks must be shown within the application site along with the appropriate elevation and datum;

3. A legal description of application site as shown in the title report;

4. The proposed layout of lots, tracts, right of way and easements, along with existing utilities and areas of proposed dedications;

5. The purpose of any tracts and dedications proposed within the application site;

6. All easements, listed in the title report, capable of being plotted on the map;

7. Field verified survey of location of all known critical areas including, but not limited to, streams, wetlands and steep slopes that may affect the proposal. Show the approximate 100-year floodplain of critical areas, where applicable;
 8. Name of proposal;
 9. North arrow, scale and date of map and revisions when applicable;
 10. Location of adjoining parcels and buildings within 100 feet of the site shall be shown and delineated by dashed lines. The zoning of the parcels shall also be identified;
 11. Name and location of all existing adjoining right of way along with the name and location of any adjoining or internal right of way proposed to be vacated with the proposal;
 12. A vicinity map; and
 13. An engineered preliminary drainage plan.
- C. Any additional information or materials that the *department* specifies at the pre-application meeting.
- C. A proposed binding site plan shall be deemed to have satisfied the requirements of subsection (B) of this section when the binding site plan is based on a recorded final planned unit development, building permit, as built site plan for developed sites or a site development permit for the entire site. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.150).]

17.15.160**Minimum subdivision and short subdivision improvements.**

- A. Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, except that the director may allow posting of a financial guarantee in the event that expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of such improvements.
1. Drainage facilities and erosion control measures consistent with KMC 13.35.080;
 2. Water mains and hydrant installed and fire flow available, if required;
 3. Roadways graded to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
 4. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
 5. Delineation of critical areas that are to remain undeveloped;
 6. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within 90 days of the final lift of asphalt; and
 7. Improvements without which the director determines a safety hazard would exist.
- B. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection (A) of this section. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.160).]

17.15.170**Violations and enforcement.**

Any person or entity ~~who~~that violates any provision of this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of Chapter 1.20 KMC. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.170).]

17.15.180**Circumvention of zoning density prohibited.**

A legal lot, which has been subject to a boundary line adjustment or created through a legally recognized land segregation process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further segregated. However, such further segregation of the lot shall not be permitted if the total number of

lots contained within the external boundaries of the lots subject to the original boundary line adjustment or the total number of lots contained within the external boundary of the parcel subject to the original land segregation exceed the density allowed under current zoning. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.180).]

17.15.190**Rules.**

The ~~director~~*city manager* is authorized to adopt rules to implement the provisions of this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.190).]

Chapter 17.20**SUBDIVISIONS AND SHORT SUBDIVISIONS**

Sections:

17.20.010 Purpose.

17.20.020 Preliminary ~~approval of~~ subdivision – ~~Approval time~~.

17.20.030 Revisions of preliminary subdivisions.

17.20.040 Preliminary short subdivision – Approval time.

17.20.050 Limitations for short subdivisions.

17.20.060 Revisions of preliminary short subdivisions.

17.20.070 Traffic analysis required.

~~18.35.270~~17.20.080 Short subdivisions or short subdivision alterations – ~~Adequacy of access~~ – ~~Right of way use permits~~.

~~18.65.070~~ – Adequate vehicular access.

~~17.15.100~~17.20.100 Public street rights-of-way.

17.20.105 Street signage.

17.20.107 Street lighting.

~~17.15.110~~17.20.110 Limitations within future ~~road~~street corridors.

~~18.35.020~~17.20.120 General layout standards.

~~18.35.030~~17.20.125 Lot segregations – Zero lot line development.

~~18.35.040~~17.20.130 Lot segregations – Clustered development.

~~18.35.280~~ Proposed formal subdivisions, short subdivisions or binding site plans – ~~Railroad buffer strips~~.

~~18.35.290~~17.20.140 Preliminary subdivision and short subdivision approval – ~~Maintenance of private streets, easements and utilities required~~.

17.20.150 Preliminary subdivision and short subdivision approval.

17.20.010**Purpose.**

The purpose of this chapter is to specify ~~additional~~ requirements for the *segregation* of land into *short subdivisions*, which are ~~four~~*nine* (SIGNIFICANT CHANGE) or fewer *lots*, and *subdivisions*, which are ~~five~~*ten* (SIGNIFICANT CHANGE) or more *lots*, in accordance with applicable Washington state and *city of Kenmore* laws, rules and regulations, including permit processing procedures required by Chapter 19.25 KMC. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.010).]

17.20.020

Preliminary approval of subdivision – Approval time.

A. ~~Effective until December 31, 2014, preliminary subdivision approval shall be effective for a period of 60 months7 years.~~ **Effective December 31, 2014, preliminary subdivision approval shall be effective for a period of five years.** For those unexpired preliminary approvals issued prior to December 3, 2009, the ~~community development director~~**department**, upon receipt of an extension fee **prior to expiration**, shall extend the ~~5-year~~ approval period for an additional ~~24 months2 years~~.

B. Preliminary *subdivision* approval shall be considered the basis upon which the *applicant* may proceed toward development of the *subdivision* and preparation of the *final plat* subject to all the conditions of the preliminary approval.

C. If the *final plat* is being developed in divisions, and *final plats* for all of the divisions have not been recorded within the time limits provided in this section, preliminary *subdivision* approval for all unrecorded divisions shall become void. The preliminary *subdivision* for any unrecorded divisions must again be submitted to the *department* with a new application, subject to the fees and regulations applicable at the time of submittal. [Ord. 09-0301 § 1 (Att. A); Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.020).]

17.20.030

Revisions of preliminary subdivisions.

Applications to revise *subdivisions* that have received preliminary approval shall comply with the following:

A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as Type 3 land use decision pursuant to KMC 19.25.020. For the purpose of this section, substantial change **always** includes the creation of additional *lots*, the elimination of open space or **significant** changes to conditions of approval on an approved preliminary *subdivision*. **Other factors to be considered by the department when identifying substantial change include:**

1. street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the subdivision; request for a street standards variance; and/or elimination of a right-of-way dedication;

2. a reorientation of lots that would change impacts to neighboring properties;

3. changes in proposed housing types;

4. changes to critical area impacts; and/or

5. changes to utility locations that would result in new impacts on neighboring properties.

(SIGNIFICANT CHANGE)

B. Approval of the following modifications by the *department* shall not be considered *revisions*:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *subdivision* approval **or that results in a substantial change as described in KMC 17.20.030(A);**

2. Changes in lot dimensions that are consistent with KMC Title 18;

3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title 18, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.030).]

17.20.040

Preliminary short subdivision – Approval time.

~~Effective until December 31, 2014, preliminary approval of a short subdivision shall be effective for a period of 60 months7 years.~~ **Effective December 31, 2014, preliminary approval of a short subdivision shall be effective for a period of five years.** For those unexpired preliminary approvals issued prior to December 3, 2009, the ~~community development director~~**department**, upon receipt of an extension fee **prior to expiration**,

shall extend the ~~5-year~~ approval period for an additional ~~24 months~~ **2 years**. [Ord. 09-0301 § 1 (Att. A); Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.040).]

17.20.050

Limitations for short subdivisions.

- A. A maximum of ~~four~~ **nine** (SIGNIFICANT CHANGE) lots may be created by a single application.
- B. An application for further *segregation* may not be submitted within a period of five years after recording, except through the filing of a *subdivision* application, or unless the short plat contains fewer than four lots, in which case an *alteration* application may be submitted to create a cumulative total of up to four lots within the original short plat boundary. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.050).]

17.20.060

Revisions of preliminary short subdivisions.

Applications to revise *short subdivisions* that have received preliminary approval shall comply with the following:

- A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as Type 2 land use decision pursuant to KMC 19.25.020. For the purpose of this section, substantial change **always** includes the creation of additional lots, the elimination of open space or **significant** changes to conditions of approval on an approved preliminary *short subdivision*. **Other factors to be considered by the department when identifying substantial change include:**

- 1. street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the short subdivision; request for a street standards variance; and/or elimination of a right-of-way dedication;**
- 2. a reorientation of lots that would change impacts to neighboring properties;**
- 3. changes in proposed housing types;**
- 4. changes to critical area impacts; and/or**
- 5. changes to utility locations that would result in new impacts on neighboring properties.**

(SIGNIFICANT CHANGE)

- B. Approval of the following modifications by the *department* shall not be considered *revisions*:
 1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *short subdivision* approval **or that results in a substantial change as described in KMC 17.20.060(A)**;

2. Changes in lot dimensions that are consistent with KMC Title 18;
3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title 18, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.060).]

17.20.070

Traffic analysis required.

All subdivision applications, excluding *short plat subdivisions of four lots or less*, shall include a traffic analysis in a format prescribed by the ~~city~~ **department**. The ~~city manager~~ **or designee** may, upon review of the applicant's **environmental checklist and supporting materials** ~~proposal~~, waive or modify this requirement **and/or issue a determination of nonsignificance or mitigated determination of nonsignificance, or require that an environmental impact statement be prepared. A mitigated determination of nonsignificance may include payment of mitigation fees and/or other project improvements.** [Ord. 98-0019 § 3.]

18.35.27017.20.080**Short subdivisions or short subdivision alterations—Adequacy of access—Right-of-way use permits.**

A. Each lot within the short subdivision or short subdivision alteration shall have acceptable access to a street conforming to city roadstreet standards or to a lower different level of improvement acceptable to the road development engineer. 18.65.070 Adequate vehicular access. The proposed circulation system of a proposed subdivision or short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the department and the city road development engineer; and. Individual lots may be served by access panhandles established either by fee ownership or easement, subject to approval of the city. In order to assure safe and adequate access, the managercity:

1. May approve private streets, provided the private street requirements contained in the city roadstreet standards of Chapter 12.50 KMC are met;

2. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways or access panhandles, in accordance with the city roadstreet standards;

3. Shall require off-site improvements to public or private streets needed to provide access from the subdivision or short subdivision to a roadstreet acceptable to the roaddevelopment engineer; and

4. Shall assure that the number of lots to be served by the roadstreet system complies with the roadstreet standards.

B. Short subdivisions involving construction within city right of way shall obtain a right of way use permit pursuant to Chapter 12.35 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.300).]

18.65.070**Adequate vehicular access.**

The proposed circulation system of a proposed subdivision or short subdivision shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the department and the city road engineer.

17.15.10017.20.100**Public street rights-of-way.**

As a result of the impact created by a proposed development, Dedication or deeding to the city of right-of-way or a portion thereof for public streets in accordance with city street standards shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:

A. Where the six-year capital improvement plan or transportation needs report indicates the necessity of a new right-of-way or portion thereof for street purposes;

B. Where necessary to extend or to complete the existing or future neighborhood street pattern as shown on the city street map (see KMC Title 12);

C. Where necessary to provide additions of right-of-way to existing city right-of-way;

D. Where necessary to comply withconform to city roadstreet standards and Kenmore road plansor city street improvement projects; or

E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the Kenmore comprehensive plan, or Kenmore zoning code; provided, that the right of way shall:

1. Provide for vehicular and pedestrian circulation within and between neighborhoods;

2. Provide local traffic alternatives to the use of arterial streets; and

3. Reduce potential traffic impacts to existing residential access streets. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.100).]

17.20.105**Street signage.**

Street signage is required for all new *short subdivisions* and *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of motor vehicle and pedestrian traffic signs, as well as street name signs, for every public or private street associated with a *short subdivision* or *subdivision*. The *city* or its designee will manufacture and install such signs, at the cost and expense of the *applicant*. The *applicant* shall reimburse the *city* for the cost of these signs prior to *final plat* or *final short plat* approval. (SIGNIFICANT CHANGE)

17.20.107**Street lighting.**

Street lighting is required for all new *short subdivisions* or *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of street lighting for every public or private street associated with a *short subdivision* or *subdivision*. The *city* or its designee will design, procure materials and install such lighting, at the cost and expense of the *applicant*. The *applicant* will be invoiced directly for the design, materials and installation costs associated with these lights by the *city* or its designee. The *applicant* shall pay the invoice(s) prior to *final plat* or *final short plat* approval. (SIGNIFICANT CHANGE)

17.15.11017.20.110**Limitations within future roadstreet corridors.**

In order to allow for the development of future *roadstreet* corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the *city* may limit *improvements* within specific areas of a proposed *binding site plan*, *subdivision* or *short subdivision*. These limitations may preclude the construction of buildings, driveways, drainage facilities or other *improvements* within the specified areas as identified through KMC 17.20.100(A) through (E). [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.110).]

18.35.02017.20.120**General layout standards.**

For residential developments in the R zones:

A. The maximum length of blocks shall be 1,320 feet; and

B. Except for corner *lots*, *lots* for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.020).]

C. *Lots* shall be designed to avoid unusual configurations or narrow extensions that could make use difficult or confusing for future property-owners. No portion of a *lot* shall be narrower than 25', with the exception of cul-de-sac *lots* at the street frontage or an access panhandle approved by the *city*. The lot width standards in Title 18 also apply. Exceptions for unusual conditions may be considered on a case-by-case basis by the *city manager*. (SIGNIFICANT CHANGE)

18.35.03017.20.125**Lot segregations – Zero lot line development.**

In any R zone or in the NB zone on property designated commercial outside of center in the urban area, interior setbacks may be modified during *subdivision* or *short subdivision* review as follows:

A. If a building is proposed to be located within a normally required interior setback:

1. An *easement* shall be provided on the abutting *lot* of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining *lots*, except as provided for common wall construction;

2. The *easement* area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;

3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

4. The *final plat* or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

B. In the R zones, setbacks on existing individual *lots* may be modified; provided, that the standards set forth in subsection (A)(1) of this section are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.030).]

~~18.35.040~~ 17.20.130

Lot segregations – Clustered development.

When residential *lot* clustering is proposed, the following provisions shall be met:

A. Any open space resulting from *lot* clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate *tract*;

B. In the R-1 zone, open space *tracts* created by clustering required by KMC 18.3021.030 shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan, ~~community plans, or local or subarea plans~~, or open space functional plans, to connect and increase protective buffers for environmentally sensitive critical areas as defined in KMC 18.20.2520, to connect and protect wildlife habitat corridors designated by the comprehensive plan, and to connect existing or planned public parks or trails. Kenmore may require open space *tracts* created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.040).]

~~18.35.280~~

Proposed formal subdivisions, short subdivisions or binding site plans – Railroad buffer strips.

Where railroads abut proposed formal subdivisions, short subdivisions or binding site plans, measures to provide a physical separation between the two uses shall be required. These measures may include the use of grade separations, setbacks or barriers such as walls and fences. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.310).]

~~18.35.290~~ 17.20.140

Preliminary subdivision and short subdivision approval – Maintenance of private streets, tracts, easements and utilities required.

As a condition of ~~preliminary subdivision~~ and short subdivision approval, all private streets, ~~tracts, easements~~, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair at all times. In order to insure continued good repair, it must be demonstrated to the department prior to at the time of plat recording that:

A. There ~~is~~ will be a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and

B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, ~~tracts, easements~~, community utilities and properties. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.320).]

17.20.150

Preliminary subdivision and short subdivision approval.

A proposed *subdivision* or *short subdivision* shall not be approved unless the *city* makes written findings that:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such *subdivision* or *short subdivision*.

Chapter 17.25

FINAL PLAT AND FINAL SHORT PLAT MAPS

Sections:

- 17.25.010 Purpose.
- 17.25.020 Phased development.
- 17.25.040 Final plat and final short plat engineering plan review requirements.
- 17.15.160 17.25.024 Minimum subdivision and short subdivision improvements.
- 18.65.030 Adequate sewage disposal.
- 18.65.040 Adequate water supply.
- 17.25.030 Final plat and final short plat review procedures.
- 17.25.050 Contents of final plat and final short plat.
- 17.25.060 Final forms.
- 17.25.070 Alterations of final plats.
- 17.25.080 Alterations of final short plats.
- 17.25.090 Vacations of a final plat or final short plat.
- 17.25.100 Sidewalk requirements modified.

17.25.010

Purpose.

The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of *final plat* and *final short plat* maps for preliminarily-approved *subdivisions* and *short subdivisions*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.010).]

17.25.020

Phased development.

Portions of an approved preliminary subdivision may be processed separately by the *department* for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.020).]

17.25.040

Final plat and final short plat engineering plan review requirements.

A. Engineering plans for *roadstreets*, drainage controls and other proposed or conditioned *improvements* shall be *prepared, submitted and* reviewed for approval by the *development engineer* prior to the commencement of on-site clearing or construction activities.

The applicant shall file the following information with the department:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*; and
2. Information requested on the application checklist provided by the *department*.

B. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the *development engineer* and the *King County department of public health* *Northshore Utility District* will be required prior to the approval of the *final plat engineering plans*.

C. Plans and technical information reports shall be submitted to the *department* and prepared consistent with the requirements of Chapter 12.50 KMC, Road Standards, Chapter 13.35 KMC, Surface Water Runoff Policy, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer.

DC. Prior to approval of engineering plans, the *applicant* shall post a ~~site restoration~~ *financial* ~~guarantee~~ consistent with the provisions of KMC Title 21, and shall pay all applicable fees set forth in KMC Title 20. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.040).]

17.15.16017.25.024

Minimum ~~subdivision~~ and short subdivision improvements.

A. With the exception of street and replacement tree installation, ~~P~~prior to final recording of a plat or short plat, the following ~~minimum~~ *required* ~~improvements~~ shall be constructed or installed and receive final approval from the *city*, consistent with the approved *engineering* plans. All required *financial* *guarantees* shall be posted prior to final recording, ~~except that, the director~~ *city manager* may allow posting of ~~additional financial guarantees in the event that~~ expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction or installation of ~~such~~ the required *improvements*.

1. Drainage facilities and erosion control measures consistent with KMC 13.35.080;
 2. Water mains and hydrant installed and fire flow available, if required;
 3. Roadways graded to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
 4. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
 5. Delineation of critical areas that are to remain undeveloped;
 6. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within 90 days of the final lift of asphalt; and
 7. Improvements without which the director determines a safety hazard would exist.
- (SIGNIFICANT CHANGE)

B. The ~~director~~ *city manager* shall have right of entry onto any lot, tract, easement or parcel that is part of the *final plat* or *final short plat* to ensure compliance with the ~~minimum~~ *subdivision improvements* required in subsection (A) of this section. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.160).]

18.65.030

Adequate sewage disposal.

3. For recording a final plat, final short plat or binding site plan, the approved public sewage disposal system set forth in subsection (A)(1) of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the city of Kenmore for the future installation of an adequate sewage disposal system. The bond may be assigned to a utility to assure the construction of the facilities within two years of recording; and.

18.65.040

Adequate water supply.

3. For recording a final plat plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection (A)(1) of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the city of Kenmore and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and.

17.25.030

Final plat and final short plat review procedures.

A. Following submittal of the engineering plans ~~and installation of the required improvements,~~ (SIGNIFICANT CHANGE) a final plat or final short plat shall be surveyed and signed by a land surveyor and shall be submitted to the department for review and approval by the development engineer prior to recording. The applicant shall file the following information with the department:

1. A complete permit application, with supporting affidavits, on forms provided by the department; and
 2. Information requested on the application checklist provided by the department. If more than one sheet is required, an index sheet shall be included that must show the entire segregation with road names and lot numbers;

B. All final plats and final short plats shall conform to the conditions of preliminary approval;

C. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW shall be provided to the department prior to recording along with a copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within 30 days of the original certificate or supplemental certificate date;

D. All applicable processing fees specified by KMC Title 20 and any civil penalty assessed pursuant to Chapter 1.20 KMC against a site being reviewed under this section shall be paid prior to recording;

E. A deposit to cover anticipated taxes and assessments is required for final plats pursuant to Chapter 58.08 RCW. A deposit, however, shall not be required for the filing of a final short plat. The applicant shall also provide certification from the city of Kenmore that property taxes for the subject property are not delinquent prior to the issuance of a final approval;

F. Proof of sewer and water availability, including any required water rights, shall be submitted to the department and final health department approval shall be obtained prior to recording, if applicable;

GB. Upon approval by the department, the final plat or short plat shall be recorded with the county records and elections division; and

HC. A typewritten copy of protective deed covenants shall accompany the final plat or short plat, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.030).]

17.25.050

Contents of final plat and final short plat.

The following information shall be shown on a final plat or final short plat:

A. Name of subdivision and department file number for final plats or department file number for final short plats;

B. Location by section, township and range, and by legal description;

C. The signature and seal of the land surveyor;

D. Survey map requirements as specified in Chapter 332-130 WAC and Chapter 58.09 RCW;

E. Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090;

F. Exact location, width and name of all streets within and adjoining the plat or short plat, and the exact location and widths of all alleys. The naming of a street shall conform to the city's process for naming streets;

G. Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat;

H. Municipal, township, county or section lines accurately tied to the lines of the plat or short plat distances and courses;

I. All easements for rights of way provided for public utilities;

J. Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility;

K. Blocks in numbered additions to plats bearing the same name may be numbered or lettered consecutively through the several additions;

L. Accurate location of all existing and proposed permanent control monuments at each corner of the subdivision or short subdivision consistent with RCW 58.17.240 and at all road intersections and curve control points that fall within the pavement;

M. A traverse line established along the shore not more than 20 feet landward of the ordinary high water mark when a subdivision or short subdivision borders on a body of water. This line shall be labeled "plat traverse line" or "short plat traverse line", as applicable, on the final plat or short plat documents;

N. Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon, and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners;

O. The boundary description of the property being platted or short-platted matching the description recorded in the most recent real estate transfer document encompassing the property. If the description is incorrect, a true and exact description shall be shown upon the plat or short plat together with the original description. The original description shall be labeled "original description" and the true and exact description shall be labeled "surveyor's corrected description." The surveyor's corrected description shall be preceded by the verbiage: "The intent of the original description is to encompass all of the property described within the surveyor's corrected description";

P. Dedication with notarized acknowledgments by all parties having an ownership interest, as required by RCW 58.17.165 and KMC 17.10.230, acknowledging the adoption of the plat and the dedication of streets and other public areas. Dedications by corporations shall include corporate acknowledgment and dedications by individuals shall include individual acknowledgment;

Q. Restrictions, title encumbrances and notes required by the conditions of approval;

R. Certification by a land surveyor to the effect that the plat or short plat correctly represents a survey made by the surveyor, or under the surveyor's direction, and that the existing monuments are located as shown on the final plat or final short plat;

S. Approval and signature blocks for the department, the department of assessments and the finance division;

T. Approval of the city council to the extent such approval is required; and

U. Recording certificate required for the signature of the city of Kenmore. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.050).]

17.25.060

Final forms.

A. A final plat or final short plat shall be prepared on forms 18 inches by 24 inches in size, allowing for a two-inch border on one of the 18-inch sides, to allow for binding, and one-half inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

B. Forms shall be printed with materials acceptable for filing as specified in WAC 332-130-050 and be formatted consistent with forms provided by the department. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.060).]

17.25.070

Alterations of final plats.

A. *Alterations* shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the *alteration* application was submitted. *Alteration* applications and recording documents shall contain the signatures of the majority of those persons having an *ownership interest* in *lots, tracts, parcels* or divisions in the subject *subdivision* to be altered or any portion to be altered.

B. If the *subdivision* is subject to restrictive covenants that were filed at the time of the approval of the *subdivision*, and the application for *alteration* would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the *alteration* of the *subdivision* or portion thereof.

C. Notice of *alterations* shall comply with the notice provisions of KMC Title 19. Mailing notification shall also include owners of each *lot* or parcel of property within the *subdivision* to be altered.

D. An application shall be processed as a Type 3 permit pursuant to Chapter 19.25 KMC and KMC 19.30.050. The application may be approved if the proposed *alteration* is consistent with the required findings of KMC 19.30.230.

E. After approval of an *alteration*, the *applicant* shall produce a revised drawing of the approved *alteration* of the *final plat*, to be processed in the same manner as set forth for *final plats* in this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.070).]

17.25.080

Alterations of final short plats.

A. ~~Alterations that result in a substantial change as determined by the department shall be treated as a new application and~~ shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application, as set forth in this chapter. ~~For purposes of this section, substantial change includes, but is not limited to, the creation of additional lots or a significant reorientation of lots; changes in proposed housing types; change from a nonbuilding lot to a building lot; changes to critical area impacts; the elimination of open space; any modification to a public dedication; significant changes to streets; or changes to utility locations that would result in significant new impacts on neighboring properties.~~

~~B. Alteration of a final short plat may be approved by the department when consistent with the following requirements: if not a substantial change.~~

~~BC.~~ Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in *lots*, *tracts*, parcels or divisions in the subject short plat to be altered or any portion to be altered.

~~CD.~~ If the *short subdivision* is subject to restrictive covenants that were filed at the time of the approval of the *short subdivision*, and the application for *alteration* would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the *alteration* of the *short subdivision* or portion thereof.

~~DE.~~ Notice of *alterations* shall comply with the notice provisions of KMC Title 19.

~~E. An alteration may be allowed to remove nonbuilding lot status on short subdivisions; provided, that no public dedications are required and original conditions of approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.080).]~~

17.25.090

Vacations of a final plat or final short plat.

A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.

B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration pursuant to KMC 19.30.030. Following the public hearing the hearing examiner shall determine if the proposed vacation is consistent with the required findings of KMC 19.30.230. If the proposal

is found to serve such purposes, the hearing examiner may recommend that the city council approve the application.

C. Applications for vacations of city ~~roadstreets~~ may be processed pursuant to this chapter only when such ~~roadstreet~~ vacations are proposed in conjunction with the vacation of the plat. Vacations limited to city ~~roadstreets~~ shall be processed in accordance with Chapter 36.87 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.090).]

~~17.25.100~~

~~**Sidewalk requirements modified.**~~

~~The city may, when processing applications for short plats, waive or modify the requirements for sidewalks based on a finding that the public health and safety will not be adversely affected. Such a waiver or modification will require the submission by the applicant of a covenant, in a format prescribed by the city, agreeing not to protest the formation of a LID for sidewalk improvements in the future. This covenant will become a condition of short plat approval and shall be recorded with the final short plat. [Ord. 98-0019 § 4.]~~

(SIGNIFICANT CHANGE)

Chapter 17.30

BINDING SITE PLANS

Sections:

- 17.30.010 Purpose.
- 17.30.020 Applicability.
- 17.30.030 Requirements and limitations.
- 17.30.040 Alterations.
- 17.30.050 Vacations.
- 17.30.060 Recording.

17.30.010

Purpose.

The purposes of this chapter are:

A. To provide an alternative method for division of land for commercial ~~and industrial~~ zoned property, mobile home parks, trailer parks or *condominiums*;

~~B. To allow the director to modify interior lot based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the city;~~

~~C. To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and~~

~~D. To specify administrative requirements for *binding site plans* in addition to the procedural requirements of Chapter 19.25 KMC and in accordance with applicable Washington state and Kenmore rules and regulations. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.010).]~~

17.30.020

Applicability.

A. Any person seeking the use of a *binding site plan* process to divide property for the purpose of sale, lease or transfer of ownership of commercial ~~or industrial~~ zoned property, lease of mobile homes or travel trailers or creation of *condominium* units is required to have an approved *binding site plan* prior to any property division, as provided for in Chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A *binding site plan* ~~for~~

a condominium shall be based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, or a site development permit plan review issued for the entire site or a general site plan showing the anticipated development plan for the entire site, notwithstanding the provisions of KMC 18.90.010 through 18.90.020.

B. The site that is subject to the *binding site plan* shall consist of one or more contiguous lots.

C. The site that is subject to the *binding site plan* may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

D. The *binding site plan* process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.020).]

17.30.030

Requirements and limitations.

A. The *binding site plan* shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

B. The *binding site plan* shall:

1. Identify the areas and locations of all streets, roadstreets, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features and building envelopes;

2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the director/city manager or the hearing examiner; and

3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.030).]

17.30.040

Alterations.

A. Alteration of a *binding site plan* shall be accomplished by following the same process required for a new application as set forth in this chapter.

B. Changes to a building permit, planned unit development, subdivision or short subdivision, site development permit plan review or general site plan within a *binding site plan* area shall also require alteration of the *binding site plan* unless the director/city manager determines that such changes are consistent with the approved *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.040).]

17.30.050

Vacations.

A. Vacation of a *binding site plan* shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new *binding site plan* application, as set forth in this chapter. If a portion of a *binding site plan* is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another *binding site plan*.

B. If a building permit or commercial site development permit, site plan review or general site plan is revised or expires, then the *binding site plan* shall be vacated unless the director/city manager determines that the revision or expiration is consistent with the approved *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.050).]

17.30.060

Recording.

A. Plat certificates or owner's duplicate certificates for registered land pursuant to Chapter 65.12 RCW shall be provided to the *department* by the owner along with a copy of the last real estate transaction for all adjoining unplatted parcels.

B. Prior to recording, the approved *binding site plan* shall be surveyed and the final recording forms shall be prepared by a *land surveyor*. A final *binding site plan* shall be prepared on forms 18 inches by 24 inches in size, allowing for a two-inch border on one of the 18-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

C. The approved *binding site plan* recording documents shall include the following:

1. Except for a *binding site plan* for a *condominium*, identification of *lots* by number on a *binding site plan* containing more than one *lot*. *Tracts* shall be similarly designated and each *tract* shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the *land surveyor* who prepared the *binding site plan* in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW;

3. Reference to the recording number of the completed survey if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;

5. Notarized signatures of all parties having an *ownership interest* in the land being divided;

6. Satisfaction of health department requirements, unless previously approved on a recorded final planned unit development, a building permit, an as-built plan for developed sites or a site development permit for the entire site;

6. The *binding site plan* shall set forth limitations and conditions, including irrevocable *dedications* of property, and containing a provision stating that any development of the site shall be in conformity with the approved *binding site plan*.

7. Approval of the *development engineer*;

8. Approval of the city of Kenmore office of finance;

108. Approval of the *director/city manager*;

119. Recording certificate required for signature of the city of Kenmore; and

1210. Department/City file number; and

911. Approval of the King County assessor;

D. A deposit to cover anticipated taxes and assessments is required for *binding site plans* pursuant to Chapter 58.08 RCW. The applicant shall be required to provide certification from the city of Kenmore that property taxes for the subject property are not delinquent prior to issuance of a final approval.

E. *Lots*, parcels or *tracts* created through the *binding site plan* procedure shall be legal *lots* of record. All provisions, conditions and requirements of the *binding site plan* shall be legally enforceable on the purchaser or any other person acquiring a lease or other *ownership interest* of any *lot*, parcel, or *tract* created pursuant to the *binding site plan*.

F. No person shall sell, transfer or lease of any *lot*, *tract* or parcel created pursuant to the *binding site plan* that does not conform to the requirements of the *binding site plan* or without *binding site plan* approval.

Chapter 17.35**CONDOMINIUMS****Sections:**

17.35.010 Purpose;

17.35.020 Final submittal requirements;

17.35.030 Notes.**17.35.010****Purpose.**

The purpose of this chapter is to provide for review of a condominium survey map and plans for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.24.010).]

17.35.020**Final submittal requirements.**

The following shall be submitted for approval of a condominium proposal:

A. Two sets of prints of the final recording maps prepared in accordance with RCW 64.34.232;

B. Legal description from title report dated within 30 days prior to recording;

C. Boundary closure calculations and supporting surveys; and

D. Copy of last real estate transaction for all adjoining unplatted parcels. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.24.020).]

17.35.030**Notes.**

A. The following notes shall be placed on the final condominium map page: approval of the department of community development.

1. The exterior boundary and legal description of this condominium meets or exceeds the review standards of the department of community development.

2. The department of community development review consisted only of review of subsection (A)(1) of this section and does not constitute binding site plan approval as contemplated under RCW 58.17.040(7).

B. A signature line for the director of community development shall appear following the notes required by this section. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.24.030).]

Chapter 17.40**MINOR BOUNDARY LINE ADJUSTMENTS**

Sections:

17.40.010 Purpose.

17.40.020 Procedures and limitations of the boundary line adjustment process.

17.40.030 Final approval and recording required.

17.40.040 Conceptual review.

17.40.010**Purpose.**

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal *lots* or *building sites* in order to rectify defects in legal descriptions, to allow the enlargement or merging of *lots* to improve or qualify as a *building site*, to achieve increased setbacks from property lines or critical areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.010).]

17.40.020**Procedures and limitations of the boundary line adjustment process.**

Adjustment of boundary lines between adjacent *lots* shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in Chapter 19.25 KMC. The review shall include examination for consistency with KMC Title 18, Zoning; KMC Title 16, Environment; applicable ~~board of~~ **Seattle/King County public** health regulations and, for developed *lots*, Uniform Fire and Building Codes;

B. Any adjustment of boundary lines must be approved by the *department* prior to the transfer of property ownership between adjacent legal *lots*;

C. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional *lot* or the creation of more than one additional *building site*;
2. Result in a *lot* that does not qualify as a *building site* pursuant to this title;
3. Relocate an entire *lot* from one *parent parcel* into another *parent parcel*;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
6. Involve *lots* which do not have a common boundary; or

7. Circumvent the *subdivision* or *short subdivision* procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include numerous and frequent adjustments to the existing lot boundary, a proposal to move a *lot* or *building site* to a different location, and a large number of *lots* being proposed for a boundary line adjustment;

D. The elimination of lines between two or more *lots* for the purpose of creating a single *lot* that meets requirements as a *building site* ~~shall~~ in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the *subdivision* and *short subdivision* provisions of this title;

E. Recognized *lots* in an approved site plan for a conditional use permit, special use permit, **urban-planned development**, or **commercial site development permitsite plan review** shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate *lots* to another property not included in the original site plan of the subject development;

F. *Lots* that have been subject to a boundary line adjustment process that resulted in the qualification of an additional *building site* shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional *building site*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.020).]

17.40.030**Final approval and recording required.**

A. A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the *department* with boundary line adjustment final review documents. All persons having an *ownership interest* within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when *lots* are under separate ownership. Lot lines within *lots* under the same ownership will be adjusted upon the recording of the boundary line adjustment.

C. Final record-of-survey document must be prepared by a *land surveyor* in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document must contain a *land surveyor's* certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The ~~city of Kenmore~~ to be signed by the King County assessor and deputy assessor; and
2. The ~~department of community development~~ **city**, to be signed by the ~~director~~ **city manager**. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.030).]

17.40.040

Conceptual review.

Prior to proceeding through the boundary line adjustment process, an *applicant* may desire ~~to pay for~~ an optional preapplication meeting. At that time the *department* will perform a conceptual review based upon the information brought in by the *applicant*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.040).]

Title 17**LAND DIVISION****Chapters:**

- 17.05 Purpose**
- 17.10 Definitions**
- 17.15 General**
- 17.20 Subdivisions and Short Subdivisions**
- 17.25 Final Plat and Final Short Plat**
- 17.30 Binding Site Plans**
- 17.40 Boundary Line Adjustments**

Chapter 17.05**PURPOSE****Sections:**

17.05.010 Purpose.

17.05.010**Purpose.**

The purpose of this title is to:

- A. Establish the authority and procedures for segregating land in the *city*.
- B. Define and regulate divisions of land that are exempt from the *short subdivision* or *subdivision* requirements.
- C. Ensure consistency with and implement the *city* comprehensive plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.
- D. Require uniform monumenting of land subdivisions and conveyance by accurate legal description.
- E. Protect and preserve the public health, safety and general welfare in accordance with the standards established by the *city* and the state of Washington.
- F. Ensure consistency with Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.01.010).]

Chapter 17.10**DEFINITIONS****Sections:**

- 17.10.010 Acre.
- 17.10.020 Alteration.
- 17.10.030 Applicant.
- 17.10.040 Binding site plan.
- 17.10.050 Building envelope.
- 17.10.060 Building site.
- 17.10.065 City.
- 17.10.067 City manager.
- 17.10.070 Civil engineer.

17.10.080	Condominium.
17.10.090	Dedication.
17.10.100	Department.
17.10.110	Development engineer.
17.10.130	Easement.
17.10.150	Financial guarantee.
17.10.160	General site plan.
17.10.180	Improvements.
17.10.190	Innocent purchaser.
17.10.200	Land surveyor.
17.10.210	Lot.
17.10.220	Nonbuilding lot.
17.10.230	Ownership interest.
17.10.240	Parent parcel.
17.10.250	Plat, final.
17.10.260	Plat, preliminary.
17.10.270	Revision.
17.10.280	Segregation.
17.10.290	Short plat, final.
17.10.300	Short plat, preliminary.
17.10.310	Short subdivision.
17.10.320	Subdivision.
17.10.330	Tract.

This chapter contains definitions of technical and procedural terms used throughout this title. Defined terms are shown in italics in the text of the title.

17.10.010

Acre.

“Acre” means an area of land equal to 43,560 square feet. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.010).]

17.10.020

Alteration.

“Alteration” means the modification of a previously recorded plat, short plat, *binding site plan*, or any portion thereof, that results in modifications to conditions of approval, the addition of new *lots* or more land, or the deletion of existing *lots* or the removal of plat or lot restrictions or *dedications* that are shown on the recorded plat. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.020).]

17.10.030

Applicant.

“Applicant” means a property owner, or a public agency or public or private utility that owns a right-of-way or other *easement* or has been adjudicated the right to such *easement* pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or *easement* owner to be the applicant, in an application for a development proposal, permit or approval. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.030).]

17.10.040**Binding site plan.**

“Binding site plan” means a plan drawn to scale processed in accordance with KMC 17.30.010 through 17.30.060 and Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.040).]

17.10.050**Building envelope.**

“Building envelope” means the area of a *lot* that delineates the limits of where a building may be placed on a *lot*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.050).]

17.10.060**Building site.**

“Building site” means a parcel, consisting of one or more *lots* or portions thereof, that is capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions, health and safety provisions. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.060).]

17.10.065**City.**

“City” means the city of Kenmore.

17.10.067**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

17.10.070**Civil engineer.**

“Civil engineer” means an individual registered and licensed as a professional civil engineer pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.070).]

17.10.080**Condominium.**

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter 64.32 or 64.34 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.080).]

17.10.090**Dedication.**

“Dedication” means the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a *final plat*, *final short plat* or *binding site plan* showing the dedication thereon or quit claim deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, *binding site plan* or quit claim deed for filing by the *city*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.090).]

17.10.100**Department.**

“Department” means the *city* department or outside agency assigned by the *city manager* to administer a portion of the *city* code.

17.10.110**Development engineer.**

“Development engineer” means the *city manager* or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, street and drainage projects constructed pursuant to permits administered by the *department* and required pursuant to this title. The *city manager* or his or her designee acting as the development engineer shall be a professional *civil engineer* registered and licensed pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.110).]

17.10.130**Easement.**

“Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes that may include, but are not limited to, street access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.130).]

17.10.150**Financial guarantee.**

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of *improvements*, compliance with this code or to warrant materials, workmanship of *improvements* and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the *city manager*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.150).]

17.10.160**General site plan.**

“General site plan” means a site plan approved pursuant to this title that is not based on a building permit, an as-built site plan for developed sites or a site plan review. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.160).]

17.10.180**Improvements.**

“Improvements” mean constructed appurtenances, including but not limited to street and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.180).]

17.10.190**Innocent purchaser.**

“Innocent purchaser” means an individual who has purchased real property for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the *lot* had been or is being created in violation of the provisions of this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.190).]

17.10.200**Land surveyor.**

“Land surveyor” means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.200).]

17.10.210**Lot.**

“Lot” means a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous laws governing the *subdivision*, *short subdivision* or *segregation* of land. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.210).]

17.10.220**Nonbuilding lot.**

“Nonbuilding lot” means a *lot* created, defined as a nonbuilding lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.220).]

17.10.230**Ownership interest.**

“Ownership interest” means having property rights as a fee owner, contract purchaser. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.230).]

17.10.240**Parent parcel.**

“Parent parcel” means each existing *lot* that is located within the perimeter of a proposed boundary line adjustment application. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.240).]

17.10.250**Plat, final.**

“Final plat” means the final drawing of the *subdivision* and *dedication* prepared for filing with the *city* and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.250).]

17.10.260**Plat, preliminary.**

“Preliminary plat” means a neat and approximate drawing of a proposed *subdivision* showing the general layout of streets, alleys, *lots*, blocks and other elements of a *subdivision* required by this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a *subdivision*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.260).]

17.10.270**Revision.**

“Revision” means a change prior to recording of a previously approved *preliminary plat*, *preliminary short plat* or *binding site plan* that includes, but is not limited to, the addition of new *lots*, *tracts* or *parcels*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.270).]

17.10.280**Segregation.**

“Segregation” means a division of land by any of the following means: *subdivisions*, *short subdivisions*, and *binding site plans*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.280).]

17.10.290**Short plat, final.**

“Final short plat” means the final drawing of the *short subdivision* and *dedication* prepared for filing with the city and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.290).]

17.10.300**Short plat, preliminary.**

“Preliminary short plat” means a neat and approximate drawing of a proposed *short subdivision* showing the general layout of streets, alleys, *lots*, blocks and other elements of a *short subdivision* required by this title and Chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a subdivision. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.300).]

17.10.310**Short subdivision.**

“Short subdivision” means a division or redivision of land nine or fewer *lots*, *tracts*, parcels or sites for the purpose of sale, lease or transfer of ownership. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.310).]

17.10.320**Subdivision.**

“Subdivision” means a division or redivision of land into ten or more *lots*, *tracts* or parcels for the purpose of sale, lease or transfer of ownership. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.320).]

17.10.330**Tract.**

“Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered *lots* or *building sites* for purposes of residential dwelling construction. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.04.330).]

Chapter 17.15**GENERAL**

Sections:

- 17.15.010 Scope of chapter.
- 17.15.020 Adverse possession lawsuit – Consent or judgment required.
- 17.15.030 Transfer of land or granting of an easement to a public agency.
- 17.15.040 Exemptions – Subdivision and short subdivision.
- 17.15.050 Recording map and legal descriptions.
- 17.15.060 Review for conformity with other codes, plans and policies.
- 17.15.070 Determining and maintaining legal status of a lot.
- 17.15.080 Removing limitations on nonbuilding lots.
- 17.15.090 Determining innocent purchaser status.
- 17.15.120 Affidavit of correction.
- 17.15.130 Vertical and horizontal survey controls.
- 17.15.140 Financial guarantees.

- 17.15.150 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.
- 17.15.170 Violations and enforcement.
- 17.15.190 Rules.

17.15.010**Scope of chapter.**

This chapter contains provisions general to the administration of land *segregation*. Any *segregation* of land is subject to the provisions of this title except as stated herein. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.010).]

17.15.020**Adverse possession lawsuit – Consent or judgment required.**

Applications for *segregation* allowed by this title concerning lands on which there is a pending lawsuit for adverse possession will not receive final approval without the consent of the adverse possession claimant or until a trial court judgment settling the lawsuit is entered. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.020).]

17.15.030**Transfer of land or granting of an easement to a public agency.**

The transfer of land or granting of an *easement* to a public agency for street and utility purposes shall not be considered a *segregation* of land. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.030).]

17.15.040**Exemptions – Subdivision and short subdivision.**

The *subdivision* and *short subdivision* provisions of this title shall not apply to:

- A. Divisions of lands for cemeteries and other burial plots while used for that purpose.
- B. Divisions of land into *lots* or *tracts* that are one-one-hundred-twenty-eighth of a section, or five *acres* or larger only for the purpose of allowing fee simple purchase or deeding of such *lots* or *tracts* to public agencies.
- C. Divisions of land made by testamentary provisions or laws of descent.
- D. Divisions of land into *lots* or *tracts* consistent with RCW 58.17.040(7), for which a condominium *binding site plan* has been recorded in accordance with the *binding site plan* provisions set forth in this title.
- E. An adjustment of boundary lines in accordance with the provisions of this title.
- F. Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a *binding site plan* for the use of the land as a mobile home park has been approved by the *city manager*.
- G. Divisions of land by *binding site plan* into *lots* or *tracts* classified for industrial or commercial use consistent with the *binding site plan* provisions of this title.
- H. Divisions of land by a public roadway or freeway, as defined by the adopted roadway functional classification system, that is planned, established, financed and constructed by a state or city agency after January 1, 2000. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.040).]
- I. A division for purposes of leasing land for facilities providing personal wireless services while used for that purpose as described in RCW 58.17.040(8).
- J. A division of land into *lots* or *tracts* of less than three *acres* to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as defined in RCW 58.17.040(9).

17.15.050**Recording map and legal descriptions.**

The final recording map and legal description of a plat, short plat, boundary line adjustment or *binding site plan* shall be prepared by a *land surveyor* in accordance with Chapter 58.09 RCW and Chapter 332-130 WAC, Surveys and Recording, and be recorded with the King County office of records and elections as required by this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.050).]

17.15.060**Review for conformity with other codes, plans and policies.**

Applications for approvals pursuant to this title shall be reviewed in accordance with the applicable procedures of any combination of this title and Chapters 19.25 and 19.30 KMC. Furthermore, applications for *subdivisions*, *short subdivisions* and *binding site plans* may be approved, approved with conditions or denied in accordance with the following adopted rules, regulations, plans and policies including, but not limited to:

- A. Chapter 43.21C RCW (SEPA);
- B. Chapter 58.17 RCW (Subdivisions);
- C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
- D. Chapter 1.20 KMC (Code Enforcement);
- E. KMC Title 12 (Streets and Bridges);
- F. KMC Title 13, Division I (Water and Sewer Systems);
- G. KMC Title 13, Division II (Surface and Stormwater Utility);
- H. KMC Title 15 (Buildings and Construction);
- I. KMC Title 16 (Environment);
- J. KMC Title 18 (Zoning);
- K. Chapter 19.35 KMC (Environmental Procedures);
- L. Administrative rules adopted;
- M. Seattle/King County public health rules and regulations;
- N. City of Kenmore comprehensive plan;
- O. County-wide planning policies;
- P. This title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.060).]

17.15.070**Determining and maintaining legal status of a lot.**

A. A property owner may request that the *department* determine whether a *lot* was legally segregated. The property owner shall demonstrate to the satisfaction of the *department* that a *lot* was created in compliance with applicable state and local land *segregation* statutes or codes in effect at the time the *lot* was created, including, but not limited to, demonstrating that the *lot* was created:

- 1. Prior to June 9, 1937 and the *lot* has been:
 - a. Provided with approved sewage disposal or water systems or streets; or
 - b. Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to October 1, 1972;
 - c. Recognized prior to October 1, 1972 as a separate tax lot by the county assessor;
- 2. Through a review and approval process recognized by the *city* for the creation of four *lots* or less from June 9, 1937 to October 1, 1972 or the subdivision process on or after June 9, 1937;
- 3. Through the *short subdivision* process on or after October 1, 1972; or
- 4. Through the following alternative means allowed by the state statute or *city* code:
 - a. For the raising of agricultural crops or livestock, in parcels greater than 10 *acres*, between September 3, 1948, and August 11, 1969;
 - b. For cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;

- c. At a size five *acres* or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a *dedication*;
- d. At a size 20 *acres* or greater, recognized prior to the effective date of this title; provided, however, for remnant *lots* not less than 17 *acres* and no more than one per quarter section;
- e. Upon a court order entered between August 11, 1969 and July 1, 1974;
- f. Through testamentary provisions or the laws of descent after August 10, 1969;
- g. Through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969;
- h. As a result of deeding land to a public body after April 3, 1977, and that is consistent with the *city* zoning code, access and Seattle/King County public health requirements so as to qualify as a *building site* pursuant to KMC 17.10.060; or
- i. By a partial fulfillment deed pursuant to a real estate contract recorded prior to October 1, 1972, and no more than four *lots* were created per the deed.

B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the *department*, such as:

- 1. Recorded subdivisions or division of land into four *lots* or less;
- 2. King County or Kenmore documents indicating approval of a *short subdivision*;
- 3. Recorded deeds or contracts describing the *lot* or *lots* either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
- 4. Historic tax records or other similar evidence, describing the *lot* as an individual parcel. The *department* shall give great weight to the existence of historic tax records or tax parcels in making its determination.

C. Once the *department* has determined that the *lot* was legally created, the *department* shall continue to acknowledge the *lot* as such, unless the property owner re-aggregates or merges the *lot* with another *lot* or *lots* in order to:

- 1. Create a parcel of land that would qualify as a *building site*; or
- 2. Implement a deed restriction or condition, a covenant or court decision.

D. The *department's* determination shall not be construed as a guarantee that the *lot* constitutes a *building site* as defined in KMC 17.10.060.

E. Re-aggregation of *lots* after January 1, 2000 shall only be the result of a deliberate action by a property owner expressly requesting a permanent merger of two or more *lots*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.070).]

17.15.080

Removing limitations on nonbuilding lots.

Limitations placed on a *nonbuilding lot* may be removed and the *lot* recognized by Kenmore as a building lot by approval of a *subdivision*, *short subdivision*, *binding site plan* or *alteration* of a plat, short plat or *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.080).]

17.15.090

Determining innocent purchaser status.

A. An *innocent purchaser* of a parcel divided in violation of Kenmore subdivision requirements who files a notarized affidavit of innocent purchase with the *department* on forms approved by the *city manager* may seek to establish the parcel's eligibility for *city* development approvals and for lawful future conveyance; provided, that nothing herein is intended to exempt development on innocent purchaser *lots* from compliance with development standards of the *city's* zoning code.

B. All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single *lot*.

C. Innocent purchaser status shall not be granted to any individual or group more than once. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.090).]

17.15.120**Affidavit of correction.**

A. Any map page or document on file with the records and elections division under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown *easement*; or

5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning *lot* or *tract* configurations.

C. The affidavit of correction shall contain the seal and signature of the *land surveyor* making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the *department*.

E. The affidavit of correction form, as provided by the *department*, shall be submitted to the *department* for review and approval and shall include signatures of the *development engineer*, the *city manager*, and the King County assessor. After *department* approval, the affidavit shall be recorded with the records and elections division. Submittals shall include payment of fees as authorized by KMC Title 20.

17.15.130**Vertical and horizontal survey controls.**

A. Vertical Requirements. The vertical datum on all engineering plans, plats, *binding site plans* and short plats shall be the North American Vertical Datum of 1988 (NAVD 88) and shall be tied to at least one *city* survey control network benchmark. The benchmark will be shown on the plans. If a *city* survey control network benchmark does not exist within one-half mile of the subject property, or 250 feet or greater of total vertical difference exists between the starting benchmark and the project, an alternate vertical datum may be used.

B. Horizontal Requirements. The horizontal component of all plats, *binding site plans* and short plats shall have the North American Datum of 1983 (2007) as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two *city* survey horizontal control monuments. If two horizontal control monuments do not exist within one mile of these projects, an alternate coordinate base and basis of bearings may be used. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.130).]

17.15.140**Financial guarantees.**

Notwithstanding any other provision of this title, the *city manager* is authorized to require all *applicants* issued permits or approvals under the provisions of this title to post *financial guarantees* consistent with the provisions of KMC Title 21. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.140).]

17.15.150**Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.**

The *applicant* shall file the following information with the *department* in addition to those application requirements described in KMC 19.25.040:

- A. A complete permit application, with supporting affidavits, on forms provided by the *department*;

- B. Information requested on the application checklist provided by the *department*; and
- C. Any additional information or materials that the *department* specifies at the pre-application meeting.

17.15.170**Violations and enforcement.**

Any person or entity that violates any provision of this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of Chapter 1.20 KMC. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.170).]

17.15.190**Rules.**

The *city manager* is authorized to adopt rules to implement the provisions of this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.190).]

Chapter 17.20**SUBDIVISIONS AND SHORT SUBDIVISIONS**

Sections:

- 17.20.010 Purpose.
- 17.20.020 Preliminary subdivision – Approval time.
- 17.20.030 Revisions of preliminary subdivisions.
- 17.20.040 Preliminary short subdivision – Approval time.
- 17.20.050 Limitations for short subdivisions.
- 17.20.060 Revisions of preliminary short subdivisions.
- 17.20.070 Traffic analysis required.
- 17.20.080 Adequacy of access.
- 17.20.100 Public street rights-of-way.
- 17.20.105 Street signage.
- 17.20.107 Street lighting.
- 17.20.110 Limitations within future street corridors.
- 17.20.120 General layout standards.
- 17.20.125 Lot segregations – Zero lot line development.
- 17.20.130 Lot segregations – Clustered development.
- 17.20.140 Maintenance of private streets, easements and utilities required.
- 17.20.150 Preliminary subdivision and short subdivision approval.

17.20.010**Purpose.**

The purpose of this chapter is to specify additional requirements for the *segregation* of land into *short subdivisions*, which are nine or fewer *lots*, and *subdivisions*, which are ten or more *lots*, in accordance with applicable Washington state and *city* laws, rules and regulations, including permit processing procedures required by Chapter 19.25 KMC. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.010).]

17.20.020**Preliminary subdivision – Approval time.**

A. Effective until December 31, 2014, preliminary *subdivision* approval shall be effective for a period of 7 years. Effective December 31, 2014, preliminary *subdivision* approval shall be effective for a period of five years. For those unexpired preliminary approvals issued prior to December 3, 2009, the *department*, upon receipt of an extension fee prior to expiration, shall extend the 5-year approval period for an additional 2 years.

B. Preliminary *subdivision* approval shall be considered the basis upon which the *applicant* may proceed toward development of the *subdivision* and preparation of the *final plat* subject to all the conditions of the preliminary approval.

C. If the *final plat* is being developed in divisions, and *final plats* for all of the divisions have not been recorded within the time limits provided in this section, preliminary *subdivision* approval for all unrecorded divisions shall become void. The preliminary *subdivision* for any unrecorded divisions must again be submitted to the *department* with a new application, subject to the fees and regulations applicable at the time of submittal. [Ord. 09-0301 § 1 (Att. A); Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.020).]

17.20.030**Revisions of preliminary subdivisions.**

Applications to revise *subdivisions* that have received preliminary approval shall comply with the following:

A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as Type 3 land use decision pursuant to KMC 19.25.020. For the purpose of this section, substantial change always includes the creation of additional *lots*, the elimination of open space or significant changes to conditions of approval on an approved preliminary *subdivision*. Other factors to be considered by the *department* when identifying substantial change include:

1. street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the *subdivision*; request for a street standards variance; and/or elimination of a right-of-way dedication;

2. a reorientation of *lots* that would change impacts to neighboring properties;

3. changes in proposed housing types;

4. changes to critical area impacts; and/or

5. changes to utility locations that would result in new impacts on neighboring properties.

B. Approval of the following modifications by the *department* shall not be considered *revisions*:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *subdivision* approval or that results in a substantial change as described in KMC 17.20.030(A);

2. Changes in lot dimensions that are consistent with KMC Title 18;

3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title 18, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.030).]

17.20.040**Preliminary short subdivision – Approval time.**

Effective until December 31, 2014, preliminary approval of a *short subdivision* shall be effective for a period of 7 years. Effective December 31, 2014, preliminary approval of a *short subdivision* shall be effective for a period of five years. For those unexpired preliminary approvals issued prior to December 3, 2009, the *department*, upon receipt of an extension fee prior to expiration, shall extend the 5-year approval period for an additional 2 years. [Ord. 09-0301 § 1 (Att. A); Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.040).]

17.20.050**Limitations for short subdivisions.**

- A. A maximum of nine *lots* may be created by a single application.
- B. An application for further *segregation* may not be submitted within a period of five years after recording, except through the filing of a *subdivision* application, or unless the short plat contains fewer than four *lots*, in which case an *alteration* application may be submitted to create a cumulative total of up to four *lots* within the original short plat boundary. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.050).]

17.20.060**Revisions of preliminary short subdivisions.**

Applications to revise *short subdivisions* that have received preliminary approval shall comply with the following:

A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as Type 2 land use decision pursuant to KMC 19.25.020. For the purpose of this section, substantial change always includes the creation of additional *lots*, the elimination of open space or significant changes to conditions of approval on an approved preliminary *short subdivision*. Other factors to be considered by the *department* when identifying substantial change include:

- 1. street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the *short subdivision*; request for a street standards variance; and/or elimination of a right-of-way dedication;
- 2. a reorientation of *lots* that would change impacts to neighboring properties;
- 3. changes in proposed housing types;
- 4. changes to critical area impacts; and/or
- 5. changes to utility locations that would result in new impacts on neighboring properties.

B. Approval of the following modifications by the *department* shall not be considered *revisions*:

- 1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *short subdivision* approval or that results in a substantial change as described in KMC 17.20.060(A);
- 2. Changes in lot dimensions that are consistent with KMC Title 18;
- 3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title 18, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.12.060).]

17.20.070**Traffic analysis required.**

All subdivision applications, excluding *short subdivisions* of four *lots* or less, shall include a traffic analysis in a format prescribed by the *department*. The *city manager* may, upon review of the *applicant's* proposal, waive or modify this requirement. [Ord. 98-0019 § 3.]

17.20.080**Adequacy of access.**

A. Each *lot* within a *subdivision* or *short subdivision* shall have acceptable access to a street conforming to city street standards or to a different level of improvement acceptable to the *development engineer*. The circulation system of a proposed *subdivision* or *short subdivision* shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the *department* and the *development engineer*. Individual *lots* may be served by access panhandles established either by fee ownership or *easement*, subject to approval of the *city*. In order to assure safe and adequate access, the *city*:

1. May approve private streets, provided the private street requirements contained in the *city* street standards of Chapter 12.50 KMC are met;
2. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways or access panhandles, in accordance with the *city* street standards;
3. Shall require off-site *improvements* to public or private streets needed to provide access from the *subdivision* or *short subdivision* to a street acceptable to the *development engineer*; and
4. Shall assure that the number of *lots* to be served by the street system complies with the street standards.

17.20.100**Public street rights-of-way.**

As a result of the impact created by a proposed development, *dedication* or *deeding* to the *city* of right-of-way or a portion thereof for public streets in accordance with *city* street standards shall be required within or along the boundaries of all *subdivisions* and *short subdivisions* or of any *lot* or *lots* within them:

- A. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for street purposes;
- B. Where necessary to extend or to complete the existing or future neighborhood street pattern as shown on the *city* street map (see KMC Title 12);
- C. Where necessary to provide additions of right-of-way to existing *city* right-of-way;
- D. Where necessary to conform to *city* street standards or *city* street improvement projects; or
- E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the Kenmore comprehensive plan.

17.20.105**Street signage.**

Street signage is required for all new *short subdivisions* and *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of motor vehicle and pedestrian traffic signs, as well as street name signs, for every public or private street associated with a *short subdivision* or *subdivision*. The *city* or its designee will manufacture and install such signs, at the cost and expense of the *applicant*. The *applicant* shall reimburse the *city* for the cost of these signs prior to *final plat* or *final short plat* approval.

17.20.107**Street lighting.**

Street lighting is required for all new *short subdivisions* or *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of street lighting for every public or private street associated with a *short subdivision* or *subdivision*. The *city* or its designee will design, procure materials and install such lighting, at the cost and expense of the *applicant*. The *applicant* will be invoiced directly for the design, materials and installation costs associated with these lights by the *city* or its designee. The *applicant* shall pay the invoice(s) prior to *final plat* or *final short plat* approval.

17.20.110**Limitations within future street corridors.**

In order to allow for the development of future street corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the *city* may limit *improvements* within specific areas of a proposed *subdivision* or *short subdivision*. These limitations may preclude the construction of buildings, driveways, drainage facilities or other *improvements* within specified areas as identified through KMC 17.20.100(A) through (E). [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.110).]

17.20.120**General layout standards.**

For residential developments in the R zones:

- A. The maximum length of blocks shall be 1,320 feet; and
- B. Except for corner *lots*, *lots* for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.020).]
- C. *Lots* shall be designed to avoid unusual configurations or narrow extensions that could make use difficult or confusing for future property-owners. No portion of a *lot* shall be narrower than 25', with the exception of cul-de-sac *lots* at the street frontage or an access panhandle approved by the *city*. The lot width standards in Title 18 also apply. Exceptions for unusual conditions may be considered on a case-by-case basis by the *city manager*.

17.20.125**Lot segregations – Zero lot line development.**

In any R zone or in the NB zone, interior setbacks may be modified during *subdivision* or *short subdivision* review as follows:

- A. If a building is proposed to be located within a normally required interior setback:
 - 1. An *easement* shall be provided on the abutting *lot* of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining *lots*, except as provided for common wall construction;
 - 2. The *easement* area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
 - 3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
 - 4. The *final plat* or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.
- B. In the R zones, setbacks on existing individual *lots* may be modified; provided, that the standards set forth in subsection (A)(1) of this section are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.030).]

17.20.130**Lot segregations – Clustered development.**

When residential *lot* clustering is proposed, the following provisions shall be met:

- A. Any open space resulting from *lot* clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate *tract*;
- B. In the R-1 zone, open space *tracts* created by clustering required by KMC 18.21.030 shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan or open space functional plans; to connect and increase protective buffers for critical areas; to connect and protect wildlife habitat corridors designated by the comprehensive plan; and to connect existing or planned public parks or trails. Kenmore may require open space *tracts* created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.040).]

17.20.140**Maintenance of private streets, tracts, easements and utilities required.**

As a condition of *subdivision* and *short subdivision* approval, all private streets, *tracts*, *easements*, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair at all times. In order to insure continued good repair, it must be demonstrated to the *department* at the time of plat recording that:

A. There will be a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and

B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, *tracts*, *easements*, community utilities and properties. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.320).]

17.20.150**Preliminary subdivision and short subdivision approval.**

A proposed *subdivision* or *short subdivision* shall not be approved unless the *city* makes written findings that:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such *subdivision* or *short subdivision*.

Chapter 17.25

FINAL PLAT AND FINAL SHORT PLAT

Sections:

- 17.25.010 Purpose.
- 17.25.020 Phased development.
- 17.25.022 Final plat and final short plat engineering plan review requirements.
- 17.25.024 Subdivision and short subdivision improvements.
- 17.25.030 Final plat and final short plat review.
- 17.25.070 Alterations of final plats.
- 17.25.080 Alterations of final short plats.
- 17.25.090 Vacations of a final plat or final short plat.

17.25.010**Purpose.**

The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of *final plat* and *final short plat* maps for preliminarily-approved *subdivisions* and *short subdivisions*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.010).]

17.25.020**Phased development.**

Portions of an approved preliminary subdivision may be processed separately by the *department* for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.020).]

17.25.022**Final plat and final short plat engineering plan review requirements.**

A. Engineering plans for streets, drainage controls and other proposed or conditioned *improvements* shall be reviewed for approval by the *development engineer* prior to the commencement of on-site clearing or construction activities.

The *applicant* shall file the following information with the *department*:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*; and
2. Information requested on the application checklist provided by the *department*.

B. Approval of the engineering details of the proposed sanitary sewer and water systems by the *development engineer* and the Northshore Utility District will be required prior to the approval of the engineering plans.

C. Prior to approval of engineering plans, the *applicant* shall post *financial guarantees* consistent with the provisions of KMC Title 21, and shall pay all applicable fees set forth in KMC Title 20. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.040).]

17.25.024**Subdivision and short subdivision improvements.**

A. With the exception of street and replacement tree installation, prior to final recording of a plat or short plat, the required *improvements* shall be constructed or installed and receive final approval from the *city*, consistent with the approved engineering plans. All required *financial guarantees* shall be posted prior to final recording. The *city manager* may allow posting of additional *financial guarantees* in the event that extraordinary circumstances prevent the construction or installation of the required *improvements*.

B. The *city manager* shall have right of entry onto any *lot, tract, easement* or parcel that is part of the *final plat* or *final short plat* to ensure compliance with the subdivision *improvements* required in subsection (A) of this section. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.08.160).]

17.25.030**Final plat and final short plat review.**

A. Following submittal of the engineering plans and installation of the required *improvements*, a *final plat* or *final short plat* surveyed and signed by a *land surveyor* shall be submitted to the *department* for review and approval by the *development engineer* prior to recording. The *applicant* shall file the following information with the *department*:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*; and
2. Information requested on the application checklist provided by the *department*.

B. Upon approval by the *department*, the *final plat* or short plat shall be recorded with the county records and elections division; and

C. A typewritten copy of protective deed covenants shall accompany the *final plat* or short plat, if applicable. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.030).]

17.25.070**Alterations of final plats.**

A. *Alterations* shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the *alteration* application was submitted. *Alteration* applications and recording documents shall contain the signatures of the majority of those persons having an *ownership interest* in *lots, tracts, parcels* or divisions in the subject *subdivision* to be altered or any portion to be altered.

B. If the *subdivision* is subject to restrictive covenants that were filed at the time of the approval of the *subdivision*, and the application for *alteration* would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the *alteration* of the *subdivision* or portion thereof.

C. Notice of *alterations* shall comply with the notice provisions of KMC Title 19. Mailing notification shall also include owners of each *lot* or parcel of property within the *subdivision* to be altered.

D. An application shall be processed as a Type 3 permit pursuant to Chapter 19.25 KMC and KMC 19.30.050. The application may be approved if the proposed *alteration* is consistent with the required findings of KMC 19.30.230.

E. After approval of an *alteration*, the *applicant* shall produce a revised drawing of the approved *alteration* of the *final plat*, to be processed in the same manner as set forth for *final plats* in this title. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.070).]

17.25.080**Alterations of final short plats.**

A. *Alterations* that result in a substantial change as determined by the *department* shall be treated as a new application and shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application, as set forth in this chapter. For purposes of this section, substantial change includes, but is not limited to, the creation of additional *lots* or a significant reorientation of *lots*; changes in proposed housing types; change from a nonbuilding lot to a building lot; changes to critical area impacts; the elimination of open space; any modification to a public *dedication*; significant changes to streets; or changes to utility locations that would result in significant new impacts on neighboring properties.

B. *Alteration* of a *final short plat* may be approved by the *department* if not a substantial change.

C. *Alteration* applications and recording documents shall contain the signatures of the majority of those persons having an *ownership interest* in *lots, tracts*, parcels or divisions in the subject short plat to be altered or any portion to be altered.

D. If the *short subdivision* is subject to restrictive covenants that were filed at the time of the approval of the *short subdivision*, and the application for *alteration* would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the *alteration* of the *short subdivision* or portion thereof.

E. Notice of *alterations* shall comply with the notice provisions of KMC Title 19.

17.25.090

Vacations of a final plat or final short plat.

A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.

B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration pursuant to KMC 19.30.030. Following the public hearing the hearing examiner shall determine if the proposed vacation is consistent with the required findings of KMC 19.30.230. If the proposal is found to serve such purposes, the hearing examiner may recommend that the city council approve the application.

C. Applications for vacations of *city* streets may be processed pursuant to this chapter only when such street vacations are proposed in conjunction with the vacation of the plat. Vacations limited to *city* streets shall be processed in accordance with Chapter 36.87 RCW. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.16.090).]

Chapter 17.30

BINDING SITE PLANS

Sections:

- 17.30.010 Purpose.
- 17.30.020 Applicability.
- 17.30.030 Requirements and limitations.
- 17.30.040 Alterations.
- 17.30.050 Vacations.
- 17.30.060 Recording.

17.30.010

Purpose.

The purposes of this chapter are:

A. To provide an alternative method for division of land for commercial zoned property, mobile home parks, trailer parks or *condominiums*; and

B. To specify administrative requirements for *binding site plans* in addition to the procedural requirements of Chapter 19.25 KMC and in accordance with applicable Washington state and Kenmore rules and regulations. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.010).]

17.30.020**Applicability.**

A. Any person seeking the use of a *binding site plan* process to divide property for the purpose of sale, lease or transfer of ownership of commercial zoned property, lease of mobile homes or travel trailers or creation of *condominium* units is required to have an approved *binding site plan* prior to any property division, as provided for in Chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A *binding site plan* shall be based on a building permit, an as-built site plan for developed sites, a site plan review, or a *general site plan* showing the anticipated development plan for the entire site.

B. The site that is subject to the *binding site plan* shall consist of one or more contiguous *lots*.

C. The site that is subject to the *binding site plan* may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

D. The *binding site plan* process creates or alters lot lines and does not authorize substantial *improvements* or changes to the property or the uses thereon. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.020).]

17.30.030**Requirements and limitations.**

A. The *binding site plan* shall ensure that the collective *lots* continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

B. The *binding site plan* shall:

1. Identify the areas and locations of all streets, streets, *improvements*, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features and *building envelopes*;

2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the *city manager* or the hearing examiner; and

3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other *improvements* shall be identified and enforced by covenants, *easements* or other similar mechanisms. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.030).]

17.30.040**Alterations.**

A. *Alteration* of a *binding site plan* shall be accomplished by following the same process required for a new application as set forth in this chapter.

B. Changes to a building permit, site plan review or *general site plan* within a *binding site plan* area shall also require *alteration* of the *binding site plan* unless the *city manager* determines that such changes are consistent with the approved *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.040).]

17.30.050**Vacations.**

A. Vacation of a *binding site plan* shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new *binding site plan* application, as set forth in this chapter. If a portion of a *binding site plan* is vacated, the property subject to the vacated portion shall constitute one *lot* unless the property is subsequently divided by an approved *subdivision* or *short subdivision* or another *binding site plan*.

B. If a building permit, site plan review or *general site plan* is revised or expires, then the *binding site plan* shall be vacated unless the *city manager* determines that the revision or expiration is consistent with the approved *binding site plan*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.20.050).]

17.30.060**Recording.**

A. Plat certificates or owner's duplicate certificates for registered land pursuant to Chapter 65.12 RCW shall be provided to the *department* by the owner along with a copy of the last real estate transaction for all adjoining unplatted parcels.

B. Prior to recording, the approved *binding site plan* shall be surveyed and the final recording forms shall be prepared by a *land surveyor*. A final *binding site plan* shall be prepared on forms 18 inches by 24 inches in size, allowing for a two-inch border on one of the 18-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

C. The approved *binding site plan* recording documents shall include the following:

1. Except for a *binding site plan* for a *condominium*, identification of *lots* by number on a *binding site plan* containing more than one *lot*. *Tracts* shall be similarly designated and each *tract* shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the *land surveyor* who prepared the *binding site plan* in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW;

3. Reference to the recording number of the completed survey if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;

5. Notarized signatures of all parties having an *ownership interest* in the land being divided;

6. The *binding site plan* limitations and conditions, including irrevocable *dedications* of property, and a provision stating that any development of the site shall be in conformity with the approved *binding site plan*.

7. Approval of the *development engineer*;

8. Approval of the *city manager*;

9. Recording certificate required for signature of the *city*;

10. *City* file number; and

11. Approval of the King County assessor.

D. *Lots*, parcels or *tracts* created through the *binding site plan* procedure shall be legal *lots* of record. All provisions, conditions and requirements of the *binding site plan* shall be legally enforceable on the purchaser or any other person acquiring a lease or other *ownership interest* of any *lot*, parcel, or *tract* created pursuant to the *binding site plan*.

E. No person shall sell, transfer or lease of any *lot*, *tract* or parcel created pursuant to the *binding site plan* that does not conform to the requirements of the *binding site plan* or without *binding site plan* approval.

Chapter 17.40**BOUNDARY LINE ADJUSTMENTS**

Sections:

17.40.010 Purpose.

17.40.020 Procedures and limitations of the boundary line adjustment process.

17.40.030 Final approval and recording required.

17.40.040 Conceptual review.

17.40.010**Purpose.**

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal *lots* or *building sites* in order to rectify defects in legal descriptions, to allow the enlargement or merging of *lots* to improve or qualify as a *building site*, to achieve increased setbacks from property lines or critical areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.010).]

17.40.020**Procedures and limitations of the boundary line adjustment process.**

Adjustment of boundary lines between adjacent *lots* shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in Chapter 19.25 KMC. The review shall include examination for consistency with KMC Title 18, Zoning; KMC Title 16, Environment; applicable Seattle/King County public health regulations and, for developed *lots*, Uniform Fire and Building Codes;

B. Any adjustment of boundary lines must be approved by the *department* prior to the transfer of property ownership between adjacent legal *lots*;

C. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional *lot* or the creation of more than one additional *building site*;
2. Result in a *lot* that does not qualify as a *building site* pursuant to this title;
3. Relocate an entire *lot* from one *parent parcel* into another *parent parcel*;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
6. Involve *lots* which do not have a common boundary; or

7. Circumvent the *subdivision* or *short subdivision* procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include numerous and frequent adjustments to the existing lot boundary, a proposal to move a *lot* or *building site* to a different location, and a large number of *lots* being proposed for a boundary line adjustment;

D. The elimination of lines between two or more *lots* for the purpose of creating a single *lot* that meets requirements as a *building site* in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the *subdivision* and *short subdivision* provisions of this title;

E. Recognized *lots* in an approved site plan for a conditional use permit, special use permit, or site plan review shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate *lots* to another property not included in the original site plan of the subject development;

F. *Lots* that have been subject to a boundary line adjustment process that resulted in the qualification of an additional *building site* shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional *building site*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.020).]

17.40.030**Final approval and recording required.**

A. A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the *department* with boundary line adjustment final review documents. All persons having an *ownership interest* within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred

when *lots* are under separate ownership. Lot lines within *lots* under the same ownership will be adjusted upon the recording of the boundary line adjustment.

C. Final record-of-survey document must be prepared by a *land surveyor* in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document must contain a *land surveyor's* certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The King County assessor and deputy assessor; and
2. The *city*, to be signed by the *city manager*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.030).]

17.40.040

Conceptual review.

Prior to proceeding through the boundary line adjustment process, an *applicant* may desire an optional preapplication meeting. At that time the *department* will perform a conceptual review based upon the information brought in by the *applicant*. [Ord. 02-0149 §§ 1, 2; Ord. 98-0019 §§ 1, 2 (KCC 19A.28.040).]

Title 18

ZONING

Chapters:

- 18.05 Adoption
- 18.10 Authority, Purpose, Interpretation and Administration
- 18.15 Zones, Maps and Designations
- 18.20 Technical Terms and Land Use Definitions
- ~~18.2521~~ ~~Permitted Uses~~ Residential Zones
- ~~18.2522~~ Neighborhood Business Zone
- ~~18.2923~~ Community Business Zone
- ~~18.2724~~ Downtown Residential Zone
- ~~18.2625~~ Downtown Commercial Zone
- ~~18.2526~~ Regional Business Zone
- ~~18.2827~~ Public and Semi-Public Zone
- 18.28 Parks Zone
- 18.28A Golf Course Zone
- 18.30 Development Standards – ~~Density and Dimensions~~ General
- ~~18.4035~~ Development Standards – Landscaping ~~and Water Use~~
- ~~18.4540~~ Development Standards – Parking and Circulation
- ~~18.5042~~ Development Standards – Signs
- ~~18.6545~~ Development Standards – Adequacy of Public Facilities and Services
- ~~18.8247~~ Property-Specific Development Standards/Special District Overlays
- ~~18.3550~~ Development Standards – Design Requirements for Specific Uses
- 18.52 Downtown Design Standards
- 18.55 Critical Areas
- ~~18.4257~~ Tree Management and Protection
- 18.60 ~~Development Standards~~ Communication Facilities
- ~~18.70~~ ~~Development Standards~~ Animals, Home Occupation, Home Industry
- ~~18.73~~ Accessory Dwelling Units, Home Occupation, Home Industry
- 18.77 Affordable Housing
- 18.80 ~~General Provisions~~ Residential Density Incentives
- ~~18.100~~ Impact Fees
- ~~18.75100~~ General Provisions – Nonconformance, Existing Legal Uses, and
Temporary Uses, and Re-Use of Facilities
- ~~18.85~~ ~~Application Requirements~~ Notice Methods
- ~~18.90~~ ~~Commercial Site Development Permits~~
- ~~18.95~~ ~~Review Procedures~~ Notice Requirements
- ~~18.82~~ Property Specific Development Standards/Special District Overlays
- ~~18.105~~ Site Plan Review
- ~~18.405115~~ ~~Decision Criteria~~ Variance, Conditional Use, Special Use, and Zone
Reclassification Permits and Modifications
- ~~19.2318.120~~ Master Plans
- ~~18.110125~~ Enforcement

Chapter 18.05**ADOPTION**

Sections:

18.05.010 Zoning code adopted.

~~18.05.020 Notification to tribes.~~

18.05.030 Severability.

18.05.040 Drawings.

18.05.010**Zoning code adopted.**

Under the provisions of Article XI, Section 11 of the Washington State Constitution, ~~the~~**this** zoning code is adopted and declared to be the zoning code for the city of **Kenmore** until amended, repealed or superseded. This code also is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW. ~~This code shall be compiled in this title.~~ [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.020).]

~~**18.05.020**~~~~**Notification to tribes.**~~

~~The city recognizes that many actions undertaken pursuant to this title, as amended, may impact treaty fishing rights of federally recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the city shall provide notice to any federally recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.025).]~~

18.05.030**Severability.**

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.080).]

18.05.040**Drawings.**

The *department* is hereby authorized after the date of the adoption of the ordinance codified in this chapter to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control over such drawings. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.090).]

Chapter 18.10**AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION**

Sections:

18.10.010 Title.

~~18.10.020 Authority to adopt code.~~

18.10.030 Purpose.

18.10.040 Conformity with this title required.

- 18.10.050 Minimum requirements.
- ~~18.10.055 City Manager authority.~~
- 18.10.060 Interpretation – General.
- ~~18.10.070 Written interpretation of this title.~~
- ~~18.10.070 Interpretation – Standard Industrial Classification.~~
- 18.10.075 Interpretation of unclassified uses.
- 18.10.080 Interpretation – Zoning maps.
- 18.10.100 ~~Classification of right-of-way.~~
- ~~18.10.090 Administration and review authority.~~
- ~~18.10.100 Severability.~~

18.10.010**Title.**

This title shall be known as the zoning code, hereinafter referred to as “this title”. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.010).]

18.10.020**Authority to adopt code.**

~~The zoning code is adopted by city of Kenmore ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.020).]~~

18.10.030**Purpose.**

The general purposes of this title are:

- A. To encourage land use decisionmaking in accordance with the public interest and applicable laws of the state of Washington;
- B. To protect the general public health, safety, and welfare;
- C. To implement the comprehensive plan’s policies and objectives through land use regulations;
- D. To provide for the economic, social, and aesthetic advantages of orderly *development* through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- E. To provide for adequate public facilities and services in conjunction with *development*; and
- F. To promote general public safety by regulating *development* of lands containing physical hazards and to minimize the adverse environmental impacts of *development*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.030).]

18.10.040**Conformity with this title required.**

- A. No *use* or *structure* shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
- B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and KMC Title 17, Land Division.
- C. All land uses and *development* authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other *city* regulations, the more restrictive requirements shall apply.
- D. Where more than one part of this title applies to the same aspect of a proposed *use* or *development*, the more restrictive requirement shall apply.
- ~~E. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.040).]~~

18.10.050**Minimum requirements.**

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.050).]

18.10.055**City Manager authority.**

The City Manager shall have the authority and discretion to administer the provisions of this title, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this title, and to enforce requirements.

18.10.060**Interpretation – General.**

A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary *structures* to support the *use* unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use ~~tables~~ **information** in Chapters ~~18.251 through 18.28A~~ KMC shall control. All applicable requirements shall govern a *use* whether or not they are cross-referenced in a text section ~~or land use table~~.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.060).]

~~E. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.090).]~~

F. An interpretation of this code will be enforced as if it is part of this code.

18.10.070**Written interpretation of this title.**

A. The *city manager* may, acting on his/her own initiative or in response to an inquiry, issue written interpretations of any of the provisions of this code. The *city manager* shall base his/her interpretations on:

1. The defined or common meaning of the words of the provision; and
2. The general purpose of the provision as expressed in the provision; and
3. The logical or likely meaning of the provision viewed in relation to the comprehensive plan.

B. Written interpretations shall include references to affected code sections.

C. All written interpretations of this code, filed sequentially, shall be available for public inspection and copying in the *department* during regular business hours.

D. A written interpretation of this code may be appealed to the *hearing examiner*, as provided for in KMC Chapter 19.30. (SIGNIFICANT CHANGE)

18.10.070**Interpretation – Standard Industrial Classification.**

A. All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 Edition, prepared by United States Office of Management

and Budget which is hereby adopted by reference. The SIC is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones consistent with the comprehensive plan land use map.

B. The SIC categorizes each land use under a general two digit major group number, or under a more specific three digit or four digit industry group or industry number. A use shown on a land use table with a two digit number includes all uses listed in the SIC for that major group. A use shown with a three digit or four digit number includes only the uses listed in the SIC for that industry group or industry.

C. An asterisk (*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this title. The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC. [Ord. 03-0175 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.02.070).]

18.10.075

Interpretation of unclassified uses.

A. Upon inquiry by an *applicant*, an administrative interpretation shall be made by the *director/city manager* to determine if a proposed use not specifically *listed/classified* is allowed utilizing the criteria below. Should interpretation be made that a proposed, *unlisted/unclassified* use not be allowed in a specific zoning district, the *director/city manager* shall indicate with which zone, if any, the use is consistent. If the *director/city manager*'s interpretation indicates that an *unlisted/unclassified* use is not consistent with the permitted, conditional or accessory uses in any district, or if the *applicant* does not concur with the permit type applied to a use, a Type 2 appeal may be made pursuant to Chapter 19.2519.30 KMC.

1. Criteria for *Unclassified Uses*. To determine whether an *unclassified use* is permitted, conditionally permitted or accessory, the *director/city manager* shall determine the use is:

- a. In keeping with the purpose and intent of the zone, and consistent with the Kenmore comprehensive plan policies;
- b. Similar in nature to, and no more intense than, a specifically listed permitted, conditional or accessory use;
- c. Similar to the physical characteristics, supporting structures, scale, traffic, hours of operation, and other features of specifically listed permitted, conditional or accessory uses; and
- d. If determined to be permissible as an accessory use, the accessory use shall be incidental, necessary and commonly found with the permitted or conditionally permitted use and is consistent with the definition of accessory uses or structures in Chapter 18.20 KMC. [Ord. 03-0175 § 2.]

18.10.080

Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

A. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-*road/street*-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' lot;

B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them; and

D. If none of the rules of interpretation described in subsections (A) through (C) of this section apply, then the zoning boundary shall be determined by map scaling. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.080).]

18.10.110085**Classification of right-of-way.**

A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for *streets* or *alleys* or *railroads* shall be considered unclassified.

B. Within *street* or *alley* rights-of-way, uses shall be limited to street purposes as defined by law.

C. Within railroad rights of way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

D. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.110).]

18.10.090**Administration and review authority.**

A. The examiner shall have authority to hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals.

B. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, and renewals of permits for mineral extraction and processing, unless a public hearing is required as set forth in Chapter 18.95 KMC, in which case this authority shall be exercised by the adjustor.

C. The department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in Chapter 18.95 KMC.

D. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.090).]

18.10.100**Severability.**

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.100).]

Chapter 18.15**ZONES, MAPS AND DESIGNATIONS**

Sections:

18.15.010 Zones and map designations established.

18.15.020 Zone and map designation purpose.

~~18.15.030 Reserved.~~

18.15.040 Urban residential zones.

18.15.050 Neighborhood business zone.

18.15.060 Community business zone.

18.15.070 Downtown residential zone.

18.15.080 Downtown commercial zone.

18.15.090 Regional business zone.

18.15.080 Public and semi-public zone.

~~18.15.080 Reserved.~~

~~18.15.090 Reserved.~~

18.15.090 Parks zone.

18.15.100 Golf course zone.

- 18.15.100 Map designation – Regional use designation.
 18.15.110 Map designation – Property-specific development or P-suffix standards.
 18.15.120 Map designation – Special district overlay.
 18.15.130 Map designation – Potential zone.
 18.15.140 Map designation – Interim zoning.
 18.15.150 Zoning maps and boundaries.

18.15.010**Zones and map designations established.**

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Urban-Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC
Regional Business	RB
Public and Semi-Public	PSP
Parks	P
Golf Course	GC
Regional Use	Case file number following zone's map symbol
Property-Specific Development Standards	P- (suffix to zone's map symbol)
Special District Overlay	SO (suffix to zone's map symbol)
Potential Zone	(dashed box surrounding zone's map symbol)
Interim Zone	* (asterisk adjacent to zone's map symbol)

[Ord. 08-0293 § 2; Ord. 07-0267 § 9; Ord. 06-0254 § 2; Ord. 03-0175 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.04.010).]

18.15.020

Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in Kenmore. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of *permitted uses* within each zone through amendments to this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.020).]

18.15.030

Reserved.

~~Repealed by Ord. 08-0293, [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.030)].~~

18.15.040

Urban Residential zones.

A. The purpose of the ~~urban~~ residential zones (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use ~~urban~~ residential land, public services and energy. These purposes are accomplished by:

1. Providing, in the R-1 through R-6 zones, for a mix of predominantly *single detached dwelling units and other development types*, with a variety of densities and sizes in locations appropriate for ~~urban densities residential use~~;

2. Providing, in the R-12 through R-48 zones, for a mix of predominantly *apartment and townhouse dwelling units, mixed use and other development types*, with a variety of densities and sizes in locations appropriate for ~~urban densities residential use~~;

3. Allowing only those accessory and complementary nonresidential *uses* that are compatible with ~~urban~~ residential communities; and

4. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally critical sites from overdevelopment.

B. Use of this zone is appropriate as follows:

1. The R-1 zone on or adjacent to lands with area-wide environmental constraints where *development* is required to cluster away from *critical areas*, ~~on lands designated urban separators or wildlife habitat network where development is required to cluster away from the axis of the corridor, on critical aquifer recharge areas, and on Regionally and Locally Significant Resource Areas (RSRAs/LSRAs) or in well established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;~~

2. The R-4 through R-6 zones on ~~urban~~ lands that are predominantly environmentally unconstrained and are served at the time of *development*, by adequate public sewers, water supply, ~~roadstreets~~ and other needed public facilities and services; and

3. The R-12 through R-48 zones next to ~~unincorporated activity commercial~~ centers, in ~~community or neighborhood business centers, in mixed-use development, on small, scattered lots integrated into existing residential areas, or in rural towns, areas~~ that are served at the time of *development* by adequate public sewers, water supply, ~~roadstreets~~ and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.080).]

18.15.045

Neighborhood business zone.

A. The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties, ~~and in urban areas on properties with the land use designation of commercial outside of center,~~ to provide for limited residential *development*. These purposes are accomplished by:

1. Limiting nonresidential *uses* to those retail or personal services which can serve the everyday needs of a surrounding urban ~~or rural~~ residential area;
 2. Allowing for *mixed use* (housing and retail/service) *developments* and for *townhouse developments* as a sole *use* on properties ~~in the urban area with the land use designation of commercial outside of center~~; and
 3. Excluding industrial and community/regional business-scaled *uses*.
- B. Use of this zone is appropriate in ~~urban~~ neighborhood business centers ~~designated by the comprehensive plan~~, on sites which are served at the time of *development* by adequate public sewers ~~when located in urban areas or adequate on-site sewage disposal when located in rural areas~~, water supply, ~~roadstreets~~ and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.090).]

18.15.060**Community business zone.**

A. The purpose of the community business zone (CB) is to provide convenience and *comparison retail* and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations ~~within activity centers~~ that are not appropriate for extensive *outdoor storage* or auto-related and industrial *uses*. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
 2. Allowing for *mixed use* (housing and retail/service) *developments*; and
 3. Excluding commercial *uses* with extensive *outdoor storage* or auto-related and industrial *uses*.
- B. Use of this zone is appropriate in areas that are designated by the comprehensive plan ~~and community plans~~ and that are served at the time of *development* by adequate public sewers, water supply, ~~roadstreets~~ and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.100).]

18.15.045**Downtown residential zone.**

The downtown residential zone 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 zone represents an opportunity to provide a range of housing types in the community with attention to appearance and scale. [Ord. 03-0175 § 4.]

18.15.065**Downtown commercial zone.**

A. The downtown commercial zone 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 *critical 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.

B. *Uses* not compatible with the downtown commercial zone 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 not permitted. Park-and-ride/*transit centers* are promoted along SR-522, particularly in the northwest quadrant of the 68th Avenue NE/SR-522 intersection. [Ord. 03-0175 § 5.]

18.15.070**Regional business zone.**

A. The purpose of the regional business zone (RB) is to provide for the broadest mix of *comparison retail*, wholesale, service and *recreation/cultural land uses* with compatible storage and fabrication *uses*, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by:

1. Encouraging compact *development* that is supportive of transit and pedestrian travel, through higher nonresidential building heights and *floor area ratios* than those found in community centers;
2. Allowing for outdoor sales and storage, regional shopping areas and limited fabrication *uses*; and
3. Concentrating large scale commercial and office *uses* to facilitate the efficient provision of public facilities and services.

B. Use of this zone is appropriate in areas that are designated by the comprehensive plan and community plans that are served at the time of *development* by adequate public sewers, water supply, ~~road~~streets and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.110).]

18.15.080**Reserved.**

~~Repealed by Ord. 08-0293. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.120).]~~

18.15.090**Reserved.**

~~Repealed by Ord. 07-0267. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.130).]~~

18.15.080**Public and semi-public zone.**

The public and semi-public zone (PSP) is applied to properties currently owned or operated by a public entity or private institution. The purpose of the public and semi-public zone is to recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances. The public and semi-public zone is applied to lands designated as public and private facilities on the comprehensive plan land use map.

18.15.095**Parks zone.**

The parks zone (P) provides for *parks*, recreational, *open space*, and resource *uses* within publicly owned lands, and establishes standards that allow for such *uses* to continue or be established while ensuring compatibility with surrounding *uses*. The parks zone is applied to lands used for public *parks*, recreation, and *open space* purposes and designated as public and private ~~institutions~~facilities on the comprehensive plan land use map. [Ord. 06-0254 § 3.]

18.15.100**Golf course zone.**

The golf course (GC) provides for golf course activities and the protection and preservation of *open space* qualities of lands that are developed for golf course *uses*. The golf course zone is applied to lands used for golf course related purposes and designated as public and private facilities on the comprehensive plan land use map.

18.15.100**Map designation – Regional use designation.**

The purpose of the regional use designation (ease file number following underlying zone's map symbol) is to provide for individual review of certain proposed uses with unique characteristics and adverse impacts on neighboring properties. Regional uses are of a size and involve activities which require individual review to determine compatibility with surrounding uses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.140).]

18.15.110**Map designation – Property-specific development or P-suffix standards.**

The purpose of the property-specific development standards or P-suffix designation (~~P-suffix to zone's map symbol~~) is to indicate that conditions beyond the minimum requirements of this title have been applied to *development* on the property, including but not limited to increased development standards, limits on *permitted uses* or special conditions of approval. Property-specific development standards are ~~adopted in~~

either a reclassification or area zoning ordinance and are shown in the SITUS file for an individual property maintained by the department. Regardless of the form in which a property specific development standard is adopted, the P suffix shall be shown on the official zoning map maintained by the department and as a notation on the SITUS file, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P suffix standard, are available for public inspection and copying during regular business hours. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.150).]

18.15.120**Map designation – Special district overlay.**

The purpose of the special district overlay or SO designation (SO suffix to zone's map symbol) is to carry out comprehensive plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas. Special district overlay development standards are maintained by the department and are available for public inspection and copying during regular business hours.

18.15.130**Map designation – Potential zone.**

A. The purpose of the potential zone (dashed box surrounding zone's map symbol) is to designate properties potentially suitable for future changes in land uses or densities once additional infrastructure, project phasing or site specific public review has been accomplished. Potential zones are designated by either area zoning or individual zone reclassification. Area zoning may designate more than one potential zone on a single property if the community plan designates alternative uses for the site. Potential zones are actualized pursuant to Chapter 19.30 KMC.

B. The use of a potential zone designation is appropriate to:

1. Phase development based on availability of public facilities and services or infrastructure improvements (e.g., roads, utilities, schools);
2. Prevent existing development from becoming a nonconforming use in areas that are in transition from previous uses;
3. Allow for future residential density increases consistent with a community plan; and
4. Provide for public review of proposed uses on sites where some permitted uses in a zone designation may not be appropriate. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.170).]

18.15.140**Map designation – Interim zoning.**

The purpose of the interim zone designation (* suffix to zone's map symbol) is to identify areas where zoning has been applied for a limited period of time in order to preserve the city's planning options and to protect the public safety, health and general welfare during an emergency or pending a community, comprehensive or functional plan amendment process. Any of the zones set forth in this chapter, with or without P suffix conditions, may be applied as interim zones. The adopting ordinance shall state the reasons for the interim zoning and provide for its expiration upon a certain date or the adoption of a new plan, plan amendment or area zoning. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.180).]

18.15.150**Zoning maps and boundaries.**

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.

C. The zoning map labeled "Official Zoning Map of the City of Kenmore", dated August 17, 1998, May 2011, and as subsequently amended is hereby adopted as the official zoning map and shall be kept on file by

the city clerk and will be on display for public review at Kenmore City Hall. [Ord. 98-0026 §§ 1, 2, 3 (KCC 21A.04.190).]

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

18.20.010	Scope of chapter.
18.20.020	Abandoned vehicle.
18.20.030	Accessory living quarters.
18.20.035	Accessory use.
18.20.040	Accessory use, commercial/industrial.
18.20.045	Accessory use, parks.
18.20.050	Accessory use, residential.
18.20.060	Accessory use, resource.
18.20.070	Active recreation space.
18.20.075	Adjacent.
18.20.080	Adjustment factor.
18.20.090	Adult entertainment business.
18.20.095	Adult family home.
18.20.100	Agricultural product sales.
18.20.110	Agriculture training facility.
18.20.120	Aircraft, ship and boat manufacturing building.
18.20.130	Airport/heliport.
18.20.140	Alley.
18.20.145	Alteration.
18.20.150	Alternative water sources.
18.20.155	Amusement and recreation services.
18.20.160	Amusement arcade.
18.20.165	Anadromous fish.
18.20.170	Animal, small.
18.20.180	Antenna.
18.20.190	Applicant.
18.20.200	Application rate.
18.20.195	Arbor.
18.20.200	Arcade.
18.20.205	Architectural elements.
18.20.207	Articulation.
18.20.210	Artist studio.
18.20.212	Arts and crafts schools/studios.
18.20.216	Assisted living.
18.20.220	Auction house.
18.20.230	Base flood.
18.20.240	Base flood elevation.
18.20.245	Basement.
18.20.250	Bed and breakfast guesthouse.
18.20.260	Beehive.
18.20.270	Berm.
18.20.272	Best available science.
18.20.274	Best management practices (BMPs).
18.20.280	Billboard.

18.20.290	Billboard face.
18.20.300	Biologist.
18.20.302	Blank walls.
18.20.305	Boat launch.
18.20.310	Book, stationery, video and art supply store.
18.20.320	Broadleaf tree.
18.20.330	Buffer.
18.20.340	Building.
18.20.350	Building envelope.
18.20.360	Building facade.
18.20.370	Building, hardware and garden materials store.
18.20.380	Bulk gas storage tank.
18.20.390	Bulk retail.
18.20.395	Caliper.
18.20.400	Campground.
18.20.410	Capacity, school.
18.20.420	Capital facilities plan, school district.
18.20.422	Car wash.
18.20.425	Repeated.
18.20.425	Categorically excluded.
18.20.430	Cattery.
18.20.440	Cemetery, columbarium or mausoleum.
18.20.450	Channel relocation and stream meander areas.
18.20.460	Church, synagogue, mosque, or temple.
18.20.465	City.
18.20.468	City manager.
18.20.470	Classrooms, school.
18.20.480	Clearing.
18.20.490	Cogeneration.
18.20.495	Commercial nursery or tree farm.
18.20.500	Communication facility, major.
18.20.510	Communication facility, minor.
18.20.520	Community residential facility (CRF).
18.20.530	Commuter parking lot.
18.20.540	Compensatory storage.
18.20.550	Conditional use permit.
18.20.560	Conference center.
18.20.570	Confinement area.
18.20.580	Consolidation.
18.20.590	Construction and trades.
18.20.600	Construction cost per student, school.
18.20.610	Conversion factor.
18.20.610	Courtyard.
18.20.612	Critical areas.
18.20.614	Critical area tract.
18.20.620	Critical drainage area.
18.20.630	Critical facility.
18.20.632	Critical root zone (CRZ).
18.20.633	Crown.
18.20.635	Cultural facilities.
18.20.640	Daily care.
18.20.650	Day care.

18.20.655	Debris flow.
18.20.660	Deciduous.
18.20.665	Degraded wetland buffer.
18.20.670	Density credit, transfer of (TDC).
18.20.680	Department.
18.20.690	Department and variety store.
18.20.695	Designated manufactured home.
18.20.700	Destination resort.
18.20.710	Developer or applicant .
18.20.715	Development.
18.20.720	Development activity.
18.20.730	Development agreement.
18.20.735	Development permit.
18.20.740	Development proposal.
18.20.750	Development proposal site.
18.20.752	Diameter at breast height (d.b.h.)
18.20.755	Differential settlement.
18.20.760	Direct traffic impact. SHOULD BE MOVED TO TITLE 12
18.20.770	Director.
18.20.772	Dock.
18.20.775	Domiciliary care.
18.20.780	Dormitory.
18.20.785	Drive-through service.
18.20.790	Drop box facility.
18.20.800	Drug store.
18.20.805	Durable materials.
18.20.810	Dwelling unit.
18.20.820	Dwelling unit, accessory.
18.20.830	Reserved.
18.20.835	Dwelling, multiple-family.
18.20.840	Dwelling unit, single detached.
18.20.850	Reserved.
18.20.860	Earth station.
18.20.865	Educational institutions (public or private), existing K-12.
18.20.870	Effective radiated power.
18.20.880	Electrical substation.
18.20.885	Emergent wetland.
18.20.890	Emergency.
18.20.900	Energy resource recovery facility.
18.20.910	Enhancement.
18.20.920	Equipment, heavy.
18.20.930	Erosion.
18.20.940	Erosion hazard areas.
18.20.950	Evergreen.
18.20.960	Examiner.
18.20.965	Existing legal uses.
18.20.967	FAA
18.20.970	Fabric shop.
18.20.980	Facilities standard.
18.20.990	Factory built commercial building.
18.20.1000	Fairground.
18.20.1010	Family.

~~18.20.1012 Family child-care home.~~
~~18.20.1015 FCC.~~
 18.20.1020 Federal Emergency Management Agency (FEMA) floodway.
~~18.20.1030 Feed store.~~
 18.20.1040 Fence.
 18.20.1050 Financial guarantee.
~~18.20.1052 First floor facades.~~
 18.20.1055 Fish habitat.
 18.20.1060 Flood fringe.
 18.20.1070 Flood hazard areas.
 18.20.1080 Flood insurance rate map (FIRM).
 18.20.1090 Flood insurance study for King County.
 18.20.1100 Flood protection elevation.
 18.20.1110 Floodplain.
 18.20.1120 Floodproofing.
 18.20.1130 Floodway, zero-rise.
 18.20.1135 Floor area ratio (FAR).
 18.20.1140 Florist shop.
 18.20.1150 Forest practice.
 18.20.1160 Forest product sales.
 18.20.1170 Forest research.
~~18.20.1180 Fully contained community (FCC).~~
 18.20.1185 Functions and values.
 18.20.1190 Furniture and home furnishings store.
 18.20.1200 General business service.
~~18.20.1202 General personal service use.~~
~~18.20.1203 General services land uses.~~
 18.20.1205 Geologically hazardous areas.
 18.20.1210 Geologist.
~~18.20.1220 Geotechnical engineer.~~
 18.20.1230 Golf course facility.
~~18.20.1233 Government/business services land uses.~~
 18.20.1235 Government facilities, city.
 18.20.1240 Grade span.
 18.20.1250 Grading.
 18.20.1260 Grazing area.
 18.20.1270 Groundcover.
~~18.20.1272 Ground floor.~~
~~18.20.1273 Grove.~~
 18.20.1275 Hazard areas.
 18.20.1280 Hazardous household substance.
 18.20.1290 Hazardous liquid and gas transmission pipelines.
 18.20.1300 Hazardous substance.
~~18.20.1305 Health services, miscellaneous.~~
~~18.20.96018.20.1307 Hearing Examiner.~~
 18.20.1310 Heavy equipment and truck repair.
 18.20.1320 Helistop.
 18.20.1330 Historic resource.
~~18.20.1340 Historic resource inventory.~~
 18.20.1350 Hobby, toy, and game shop.
 18.20.1360 Home industry.
 18.20.1370 Home occupation.
 18.20.1375 Hotel.

18.20.1380 Household pets.
~~18.20.1381 Human-scaled elements.~~
 18.20.1382 Hydraulic project approval (HPA).
~~18.20.1384 Hydric soil.~~
 18.20.1390 Hydroelectric generation facility.
 18.20.1400 Impervious surface.
~~18.20.1410 Improved public roadways.~~
 18.20.1420 Individual transportation and taxi.
 18.20.1430 Infiltration rate.
 18.20.1435 In-kind.
 18.20.1440 Interim recycling facility.
~~18.20.1450 Interlocal agreement.~~
~~18.20.1460 Irrigation efficiency.~~
 18.20.1470 Jail.
 18.20.1480 Jail farm.
 18.20.1490 Jewelry store.
 18.20.1500 Joint use driveway.
 18.20.1510 Kennel.
 18.20.1520 Kitchen or kitchen facility.
 18.20.1530 Landfill.
 18.20.1540 Landscape water features.
 18.20.1550 Landscaping.
 18.20.1560 Landslide.
 18.20.1570 Landslide hazard areas.
~~18.20.1575 Lattice-work tower.~~
 18.20.1580 Level of service (LOS) traffic].
 18.20.1590 Light equipment.
 18.20.1600 Livestock.
 18.20.1610 Livestock, large.
 18.20.1620 Livestock, small.
 18.20.1630 Livestock sales.
 18.20.1640 Loading space.
 18.20.1650 Log storage.
 18.20.1660 Lot.
 18.20.1670 Lot line, interior.
~~18.20.1671 Low impact development (LID).~~
 18.20.1675 Manufactured home.
~~18.20.1677 Manufacturing land uses.~~
 18.20.1680 Marina.
 18.20.1685 Mass wasting.
 18.20.1685 Master plan.
~~18.20.1690 Material error.~~
 18.20.1695 Medical/dental office/outpatient clinic.
 18.20.1700 Microwave.
 18.20.1705 Miscellaneous repair.
 18.20.1710 Mitigation.
 18.20.1720 Mitigation bank.
 18.20.1730 Mitigation banking.
 18.20.1740 Mixed use development.
 18.20.1745 Mobile food vendor.
 18.20.1750 Mobile home.
 18.20.1760 Mobile home park.

18.20.1762 Modification.
 18.20.1765 Modulation.
 18.20.1770 Monitoring.
 18.20.1775 Monopole tower.
 18.20.1780 Monuments, tombstones, and gravestones sales.
 18.20.1785 Motel.
 18.20.1790 Motor vehicle, and boat and mobile home dealers.
 18.20.1800 Motor vehicle and bicycle manufacturing.
 18.20.1810 Mulch.
 18.20.1820 Municipal water production.
 18.20.1830 Native vegetation.
 18.20.1840 Naturalized species.
 18.20.1850 Net buildable area.
 18.20.1860 Nonconformance.
 18.20.1870 Nonhydroelectric generation facility.
 18.20.1875 Nonindigenous.
 18.20.1880 Nonionizing electromagnetic radiation (NIER).
 18.20.1890 Noxious weed.
 18.20.1900 Off-street required parking lot.
 18.20.1905 Off track betting facilities.
 18.20.1907 On site compensation.
 18.20.1910 Open space.
 18.20.1920 Open-work fence.
 18.20.1930 Ordinary high water mark.
 18.20.1940 Outdoor performance center.
 18.20.1945 Outdoor retail display/sidewalk sale.
 18.20.1947 Out of kind compensation.
 18.20.1950 Overspray.
 18.20.1960 Park.
 18.20.1970 Park service area.
 18.20.1980 Parking lot aisle.
 18.20.1990 Parking lot unit depth.
 18.20.2000 Parking space.
 18.20.2010 Parking space angle.
 18.20.2020 Party of record (POR).
 18.20.2030 Peak hour.
 18.20.2035 Pedestrian walkway.
 18.20.2040 Permanent school facilities.
 18.20.2050 Personal medical supply store.
 18.20.2060 Pet shop.
 18.20.2070 Photographic and electronic shop.
 18.20.2080 Plant associations of infrequent occurrence.
 18.20.2090 Plant factor.
 18.20.2100 Potable water.
 18.20.2102 Practical alternative.
 18.20.2104 Priority habitat.
 18.20.2110 Private.
 18.20.2120 Private stormwater management facility.
 18.20.2130 Professional office.
 18.20.2135 Pro shop.
 18.20.2140 Public agency.
 18.20.2150 Public agency animal control facility.

18.20.2160 Public agency archive.
 18.20.2170 Public agency or utility office.
 18.20.2180 Public agency or utility yard.
 18.20.2190 Public agency training facility.
 18.20.2195 Public space/public open space.
 18.20.2200 Public transportation amenities.
 18.20.2202 Public view.
 18.20.2205 Qualified professional.
 18.20.2207 Qualified tree protection professional.
 18.20.2210 Radio frequency.
 18.20.2220 Reasonable use.
 18.20.2230 Receiving site.
 18.20.2231 Reclassification.
 18.20.2232 Recreational/cultural land uses.
 18.20.2234 Recreational facilities, indoor.
 18.20.2237 Recreational facilities, outdoor.
 18.20.2240 Recreational vehicle (RV).
 18.20.2250 Recreational vehicle parks.
 18.20.2260 Recyclable material.
 18.20.2270 Reference evapotranspiration (Eto).
 18.20.2275 Regional land uses.
 18.20.2280 Regional stormwater management facility.
 18.20.2290 Regional utility corridor.
 18.20.2300 Relocatable facilities cost per student.
 18.20.2310 Relocatable facility.
 18.20.2320 Relocation facilities.
 18.20.2325 Residential land uses.
 18.20.2327 Resource land uses.
 18.20.2330 Restoration.
 18.20.2340 Reserved.
 18.20.2350 Retail, comparison.
 18.20.2360 Retail, convenience.
 18.20.2362 Retail land uses.
 18.20.2364 Retail sales.
 18.20.2367 Retail sales, outdoor.
 18.20.2370 Retaining wall.
 18.20.2375 Riparian.
 18.20.2380 Runoff.
 18.20.2390 Reserved.
 18.20.2400 Reserved.
 18.20.2410 Salmonid.
 18.20.2420 School bus base.
 18.20.2430 School district.
 18.20.2440 School district support facility.
 18.20.2450 Schools, elementary, and middle/junior high.
 18.20.2460 Schools, secondary or high school.
 18.20.2462 Section 404 permit.
 18.20.2465 Secure community transition facilities (SCTF).
 18.20.2470 Seismic hazard areas.
 18.20.2480 Self-service storage facility.
 18.20.2490 Sending site.
 18.20.2500 Senior citizen.

~~18.20.2510 Reserved.~~
~~18.20.2520 Sensitive areas.~~
 18.20.2524 Services, off-site.
 18.20.2527 Services, on-site.
 18.20.2530 Setback.
 18.20.2540 Shelters for temporary placement.
 18.20.2550 Shooting range.
 18.20.2560 Sign.
 18.20.2570 Sign, awning.
 18.20.2580 Sign, changing message center.
 18.20.2590 Sign, community bulletin board.
 18.20.2600 Sign, directional.
 18.20.2610 Sign, freestanding.
 18.20.2620 Sign, fuel price.
 18.20.2630 Sign, incidental.
 18.20.2640 Sign, indirectly illuminated.
 18.20.2650 Sign, monument.
 18.20.2660 Sign, off-premises directional.
 18.20.2670 Sign, on-premises.
 18.20.2680 Sign, permanent residential development identification.
 18.20.2690 Sign, portable.
 18.20.2700 Sign, projecting.
 18.20.2710 Sign, time and temperature.
 18.20.2720 Sign, wall.
 18.20.2730 Significant tree.
 18.20.2740 Site.
 18.20.2750 Site area.
~~18.20.2760 Site cost per student.~~
~~18.20.2770 SITUS file.~~
~~18.20.2780 Ski area.~~
 18.20.2782 Social card game.
 18.20.2784 Social services, ~~correctional.~~
~~18.20.2787 Social services, noncorrectional.~~
 18.20.2790 Soil recycling facility.
~~18.20.2800 Source separated organic material.~~
 18.20.2810 Special use permit.
 18.20.2820 Specialized instruction school.
 18.20.2822 Species.
 18.20.2824 Species, endangered.
 18.20.2826 Species, threatened.
~~18.20.2830 Specified sexual activities.~~
 18.20.2840 Sporting goods store.
 18.20.2850 Sports club.
 18.20.2860 Stable.
 18.20.2870 Standard of service, school districts.
~~18.20.2875 Steep slope.~~
~~18.20.2880 Repealed.~~
 18.20.2884 Storage, indoor.
 18.20.2887 Storage, outdoor.
 18.20.2890 Stream functions.
 18.20.2900 Stream.
 18.20.2910 Street.

18.20.2920 Street frontage.
~~18.20.2925 Street tree.~~
 18.20.2930 Structure.
~~18.20.2940 Student factor.~~
 18.20.2945 Subdrainage basin or sub-basin.
~~18.20.2950 Submerged land.~~
 18.20.2960 Substantial improvement.
 18.20.2965 Taxi stand.
 18.20.2970 Theater.
 18.20.2980 Theatrical production services.
~~18.20.2990 Tightline sewer.~~
 18.20.3000 Trails.
 18.20.3010 Transfer station.
 18.20.3020 Transit ~~bus~~ base.
 18.20.3023 Transit center.
 18.20.3030 Transitional housing facilities.
 18.20.3040 Transmission equipment.
~~18.20.3050 Transmission line booster station.~~
 18.20.3060 Transmission support structure.
~~18.20.3065 Transmission support structure, alternative.~~
~~18.20.3067 Transmission support structure, guved.~~
 18.20.3070 Transmitter building.
~~18.20.3080 Transportation System Management (TSM).~~
~~18.20.3082 Tree.~~
~~18.20.3084 Tree, hazard.~~
~~18.20.3090 Ultimate roadway section.~~
 18.20.3095 Unavoidable impact.
~~18.20.3100 Urban Plan Development (UPD).~~
 18.20.3110 Use.
~~18.20.3111 Uses, classified.~~
 18.20.3112 Uses, permitted.
 18.20.3114 Uses, prohibited.
 18.20.3117 Uses, unclassified.
 18.20.3120 Utility facility.
 18.20.3130 Vector waste.
 18.20.3140 Vector waste receiving facility.
 18.20.3150 Variance.
~~18.20.3155 Variety store.~~
 18.20.3160 Vegetation.
 18.20.3170 Vocational school.
~~18.20.3180 Volcanic hazard areas.~~
 18.20.3190 Warehousing and wholesale trade.
 18.20.3200 Wastewater treatment facility.
~~18.20.3210 Water budget.~~
 18.20.3220 Water-dependent use.
 18.20.3225 Water resource inventory area (WRIA).
~~18.20.3227 Weather protection.~~
~~18.20.3230 Wet meadows, grazed.~~
 18.20.3240 Wetland edge.
 18.20.3250 Wetland, forested.
 18.20.3260 Wetland functions.
~~18.20.3270 Wetland, isolated.~~

18.20.3280 Wetlands.
~~18.20.3290 Wetpond.~~
 18.20.3300 Wildlife shelter.
~~18.20.3305 Wind-firm.~~
~~18.20.3307 Wireless services.~~
 18.20.3310 Work release facility.
 18.20.3320 Wrecked, dismantled or inoperative vehicle.
 18.20.3330 Yard or organic waste processing facility.
~~18.20.3340 Zoo animal breeding facility.~~

18.20.010**Scope of chapter.**

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in Chapter 18.25 KMC. The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC). See Chapter 18.10 KMC for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 18.30 through 18.70 KMC. Defined terms are shown in italics in the text of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.005).]

18.20.020**Abandoned vehicle.**

“Abandoned vehicle” means any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.007).]

18.20.030**Accessory living quarters.**

“Accessory living quarters” means living quarters in an accessory *building* for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no *kitchen* and are not otherwise used as a separate *dwelling unit*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.010).]

18.20.035**Accessory use.**

“Accessory use” means a *use* typically subordinate in size to the principal *use*; that would not contribute significantly to traffic generation, noise, or nuisance; and that supports the primary *use* operation without displacing it. ~~Accessory uses~~ are typically located upon the same *lot* occupied by a principal *use*. [Ord. 03-0175 § 6.]

18.20.040**Accessory use, commercial/industrial.**

“Commercial/industrial accessory use” means:

A. A *use* that is subordinate and incidental to a commercial or industrial *use*; including, but not limited to the following *uses*:

1. Administrative offices;
2. Employee exercise facilities;
3. Employee food service facilities;
4. Incidental storage of raw materials and finished products sold or manufactured on-site;
5. Business owner or caretaker residence;
6. *Cogeneration* facilities; and
7. Ground maintenance facilities.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.015).]

18.20.045**Accessory use, parks.**

“Parks accessory use” means a use or activity which is subordinate and incidental to a *park* including, but not limited to, the following uses:

- A. Environmental education, arts, dance, music, and other community-based and limited-term instruction.
- B. Recreational and social activities, such as hiking, biking, boating and other similar recreational activities.
- C. Meetings of nonprofit, social, community, and/or volunteer organizations. [Ord. 08-0293 § 2.]

18.20.050**Accessory use, residential.**

“Residential accessory use” means:

A. A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to the following uses:

- 1. Accessory living quarters and dwellings;
- 2. Fallout/bomb shelters;
- 3. Keeping household pets;
- 4. On-site rental office;
- 5. Pools, private docks, piers;
- 6. Antennas for private telecommunication services;
- 7. Storage of yard maintenance equipment; or
- 8. Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
- 9. Greenhouses.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.020).]

18.20.060**Accessory use, resource.**

“Resource accessory use” means:

A. A use, structure, or part of a structure, which is customarily subordinate and incidental to a resource use including, but not limited to the following uses:

- 1. Housing of agricultural workers; or
- 2. Storage of agricultural products or equipment used on-site.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.025).]

18.20.070**Active recreation space.**

“Active recreation space” means recreation space that recognizes a higher level of public use than passive recreation space, and that will be developed for organized or intense recreation. Active recreation site includes both the active recreation uses and all necessary support services and facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.026).]

18.20.075**Adjacent.**

“Adjacent” means an area immediately adjoining or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas.

“Adjacent” shall mean any activity or development located:

- A. On a site immediately adjoining a critical area;

- B. A distance equal to or less than the required critical area buffer width and building setback;
- C. A distance equal to or less than one half mile (2,640 feet) from a bald eagle nest;
- D. A distance equal to or less than 900 feet from the closest nest of a heron rookery;
- E. Bordering or within the floodway, floodplain or channel migration zone; or
- F. A distance equal to or less than 200 feet from a critical aquifer recharge area. [Ord. 06-0244 § 15.]

18.20.080**Adjustment factor.**

“Adjustment factor” means a factor that when applied to the reference evapotranspiration, adjusts for plant factors and irrigation efficiently. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.027).]

18.20.090**Adult entertainment business.**

“Adult entertainment business” means an adult club, adult arcade or adult theater as those terms are defined in the adult entertainment licensing provisions in KMC Title 5. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.035).]

“Adult entertainment business” shall mean a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title 5.

18.20.095**Adult family home.**

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in RCW 70.128.

18.20.100**Agricultural product sales.**

“Agricultural product sales” means the retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.040).]

18.20.110**Agriculture training facility.**

“Agriculture training facility” means an establishment developed for use by the property owner, its employees, and/or agricultural trainees for training activities which are related to or supportive of the agricultural use of the property and surrounding agricultural activities. Agriculture training facilities may include overnight lodging, meeting rooms, and educational activities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.042).]

18.20.120**Aircraft, ship and boat manufacturing building.**

“Aircraft, ship and boat manufacturing building” means the fabrication and/or assembling of aircraft, ships or boats, including only uses located in SIC Industry Group Nos.

A. 372—Aircraft and Parts; and

B. 373—Ship and Boat Building and Repairing. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.045).]

18.20.130**Airport/heliport.**

“Airport/heliport” means any runway, landing area or other facility, excluding facilities for the primary use of the individual property owner which are classified as *helistops*, designed or used by public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:

A. Taxiways;

B. Aircraft storage and tie-down areas;

- C. Hangars;
- D. Servicing; and
- E. Passenger and air freight terminals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.050).]

18.20.140**Alley.**

“Alley” means an improved thoroughfare or right-of-way, whether public or *private*, usually narrower than a *street*, that provides vehicular access to an interior boundary of one or more *lots*, and is not designed for general traffic circulation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.055).]

18.20.145**Alteration.**

“Alteration” means any human-induced change in an existing condition of a *critical area* or its *buffer*. Alterations include, but are not limited to, *grading*, filling, channelizing, dredging, *clearing (vegetation)*, construction, compaction, excavation or any other activity that changes the character of the *critical area*. [Ord. 06-0244 § 16.]

18.20.150**Alternative water sources.**

“Alternative water sources” means stored rainwater, or treated or recycled wastewater of a quality suitable for uses such as landscape irrigation. Such water is not considered potable. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.057).]

18.20.155**Amusement and recreation services.**

“Amusement and recreation services” includes ticket agencies, travel arrangement and reservation services, scenic and sightseeing transportation services, performing arts companies, sports instruction, nonathletic recreational instruction, and sports equipment rental.

18.20.160**Amusement arcade.**

“Amusement arcade” means a *building* or part of a *building* in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.060).]

18.20.165**Anadromous fish.**

“Anadromous fish” means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, intergravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults. [Ord. 06-0244 § 17.]

18.20.170**Animal, small.**

“Small animal” means any animal other than *livestock* or animals considered to be predatory or wild which are kept outside a *dwelling unit* all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the

purposes of breeding, domestication, training, ~~hunting~~ or exhibition. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.065).]

18.20.180**Antenna.**

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.067).]

18.20.190**Applicant.**

“Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person. [Ord. 06-0244 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.070).]

18.20.200**Application rate.**

“Application rate” means the depth of water applied to an area expressed in inches per hour. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.072).]

18.20.195**Arbor**

“Arbor” means a shelter of vines or branches or of latticework covered with climbing shrubs or vines.

18.20.200**Arcade.**

“Arcade” means a series of arches supported by columns, piers, or pillars, often attached to a wall to form a roofed passageway or gallery.

18.20.205**Architectural elements.**

“Architectural elements” means building elements which add detail and finely scaled features to a *building facade*, such as belt courses, braces, brackets, brick coursing, columns, corbelled brick, cornices, frame elements, window openings, piers, plinths, and sills.

18.20.207**Articulation.**

“Articulation” means shifts in wall planes such as stepbacks, reveals, overhangs, and architectural elements and details which are used to create variations in a *building facade*.

18.20.210**Artist studio.**

“Artist studio” means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts; including, but not limited to, acting, dancing, singing, drawing, painting and sculpting. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.073).]

18.20.212**Arts and crafts schools/studios.**

“Arts and crafts schools/studios” means schools and studios for education in various arts and crafts, including, but not limited to, photography, dance, music, and language skills. [Ord. 03-0175 § 6.]

18.20.216**Assisted living.**

“Assisted living” means an establishment which provides living quarters and *domiciliary care* to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full *kitchen* or no *kitchen*. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space. **Assisted living does not include adult family homes as defined in Chapter 70.128 RCW.** [Ord. 03-0175 § 6.]

18.20.220**Auction house.**

“Auction house” means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.075).]

18.20.230**Base flood.**

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.080).]

18.20.240**Base flood elevation.**

“Base flood elevation” means the water surface elevation of the *base flood* in relation to the National Geodetic Vertical Datum of 1929. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.085).]

18.20.245**Basement.**

“Basement” means any area of the *building* having its floor below ground level on all sides. [Ord. 06-0244 § 18.]

18.20.250**Bed and breakfast guesthouse.**

“Bed and breakfast guesthouse” means a *dwelling unit* or accessory *building* within which bedrooms are available for paying guests. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.090).]

18.20.260**Beehive.**

“Beehive” means a *structure* designed to contain one colony of honey bees (*apis mellifera*). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.095).]

18.20.270**Berm.**

“Berm” means a constructed area of compacted earth. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.097).]

18.20.272**Best available science.**

“Best available science” means current scientific information **derived from a valid scientific process, including that** used in the process to designate, protect, or restore *critical areas* **that is derived from a valid scientific process** as defined by WAC 365-195-900 through 365-195-925. **Sources of best available science are included in “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas,” published by the State Office of Community Development.** [Ord. 06-0244 § 19.]

18.20.274**Best management practices (BMPs).**

“Best management practices” means conservation practices or systems of practices and management measures that:

- A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of *wetlands*;
- C. Protect *trees* and *vegetation* designated to be retained during and following *site* construction; and
- D. Provide standards for proper use of chemical herbicides within *critical areas*.

The *city* shall monitor the application of best management practices to ensure that the standards and policies of this **chapter** are adhered to.

18.20.280**Billboard.**

“Billboard” means a *sign*, including both the supporting structural framework and attached *billboard faces*, used principally for advertising a business activity, *use*, product, or service unrelated to the primary *use* or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate *signs*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.100).]

18.20.290**Billboard face.**

“Billboard face” means that portion of a *billboard*, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location; subclassified as follows:

- A. “Billboard face I” means a billboard face not exceeding a height of 14 feet or a width of 48 feet, and may also include temporary and irregularly shaped extensions subject to the area and duration limitations in Chapter 18.5042 KMC; and
- B. “Billboard face II” means a billboard face not exceeding a height of 12 feet or a width of 24 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.105).]

18.20.300**Biologist.**

“Biologist” means a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.110).]

18.20.302**Blank walls**

“Blank walls” means any *ground floor* wall over six feet in height and 15 feet or more in length and/or greater than 400 square feet in total area without architectural embellishments such as windows, doors, or other special wall treatment. Upper floors are not included in blank wall requirements.

18.20.305**Boat launch.**

“Boat launch” is an area where ramps continue down into bodies of water so that boats on trailers can be backed into the water and launched, or where operators of hand-carried watercraft may enter the water. [Ord. 08-0293 § 2.]

18.20.310**Book, stationery, video and art supply store.**

“Book, stationery, video and art supply store” means an establishment engaged in the retail sale of books and magazines, stationery, records, ~~and tapes and CDs, videos and DVDs, architectural and art supplies, and musical instruments, including only uses located in SIC Industry Nos.:~~ ~~This use also includes DVD rental establishments.~~

~~A. 5942 Book Stores;~~

~~B. 5943 Stationery Stores;~~

~~C. 5999 Architectural Supplies and Artists’ Supply and Materials Stores;~~

~~D. 7841 Video Tape Rental;~~

~~E. 5735 Record, Compact Disc and Prerecorded Tape Stores; and~~

~~F. 5736 Musical Instrument Stores. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.115).]~~

18.20.320**Broadleaf tree.**

“Broadleaf tree” means a *tree* characterized by leaves that are broad in width and may include both *deciduous* and *evergreen* species. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.120).]

18.20.330**Buffer.**

~~For purposes of critical areas regulations,~~ “~~Buffer~~” means an area contiguous to a *critical area* that is required for the continued maintenance, functioning, and/or structural stability of the *critical area*. [Ord. 06-0244 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.122).]

18.20.340**Building.**

“Building” means any *structure* having a roof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.125).]

18.20.350**Building envelope.**

“Building envelope” means the area of a *lot* that delineates the limits of where a *building* may be placed on the *lot*. The building envelope is determined through minimum lot size and minimum lot width requirements. [Ord. 04-0213 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.135).]

18.20.360**Building facade.**

“Building facade” means that portion of any exterior elevation of a *building* extending from the grade of the *building* to the top of the parapet wall or eaves, for the entire width of the building elevation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.140).]

18.20.370**Building, hardware and garden materials store.**

“Building, hardware and garden materials store” means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies, ~~including, but not limited to uses located in SIC Major Group No. 52—Building Materials, Hardware, Garden Supply, excluding Mobile Home Dealers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.145).]~~

18.20.380**Bulk gas storage tank.**

“Bulk gas storage tank” means a tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.150).]

18.20.390**Bulk retail.**

“Bulk retail” means a singular indoor retail or wholesale user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Big-box retail/wholesale sales can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores and department stores. [Ord. 03-0175 § 7; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.155).]

18.20.395**Caliper.**

2. “Caliper” means the American Nursery and Landscape Association (ANLA) standards for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

18.20.400**Campground.**

“Campground” means an area of land developed for recreational use in temporary occupancy, such as tents or recreational vehicles without hookup facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.160).]

18.20.410**Capacity, school.**

“School capacity” means the number of students a *school district’s* facilities can accommodate district-wide, based on the district’s *standard of service*, as determined by the *school district*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.165).]

18.20.420**Capital facilities plan, school district.**

“School ~~district~~ capital facilities plan” means a district’s facilities plan adopted by the school board consisting of:

- A. A forecast of future needs for school facilities based on the district’s enrollment projections;
- B. The long-range construction and capital improvements projects of the district;
- C. The schools under construction or expansion;
- D. The proposed locations and capacities of expanded or new school facilities;
- E. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
- F. Any other long-range projects planned by the district;
- G. The current ~~school~~ capacity ~~of the district’s school facilities~~ based on the district’s adopted *standard of service*, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and
- H. An inventory showing the location and capacity of existing school facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.170).]

18.20.422**Car wash.**

“Car wash” means a *structure* with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Ord. 03-0175 § 6.]

18.20.425**Card room.**

~~Repealed by Ord. 03-0189. [Ord. 03-0167 § 1.]~~

18.20.425**Categorically excluded.**

B. For purposes of KMC Chapter 18.60, “Categorically excluded” means as defined in 1.1306 and 1.1307 in the Code of Federal Regulations (C.F.R.)

18.20.430**Cattery.**

“Cattery” means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.175).]

18.20.440**Cemetery, columbarium or mausoleum.**

“Cemetery, columbarium or mausoleum” means land or *structures* used for interment of the dead or their remains. For purposes of the code, pet cemeteries are considered a subclassification of this *use*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.180).]

18.20.450**Channel relocation and stream meander areas.**

“Channel relocation and stream meander area” means those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank *erosion*, and shifts in the location of stream channels. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.182).]

18.20.460**Church, synagogue, mosque, or temple.**

“Church, synagogue, mosque, or temple” means a place where religious services are conducted, including those uses located in SIC Industry No. 866 and including *accessory uses* in the primary or accessory *buildings* such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.185).]

18.20.465**City.**

“City” means the city of Kenmore.

18.20.468**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

18.20.470**Classrooms, school.**

“School classrooms” means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.190).]

18.20.480**Clearing.**

“Clearing” means the limbing, pruning, trimming, topping, cutting or removal of *vegetation* or other organic plant matter by physical, mechanical, chemical or other means. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.195).]

18.20.490**Cogeneration.**

“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.205).]

18.20.495**Commercial nursery or tree farm.**

5. “Commercial nursery” or “tree farm” means a licensed plant or *tree* nursery or farm in relation to those *trees* planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee’s business.

18.20.500**Communication facility, major.**

“Major communication facility” means a communication facility for transmission and reception of:

- A. UHF and VHF television signals; or
- B. FM or AM radio signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.210).]

18.20.510**Communication facility, minor.**

“Minor communication facility” means a communication facility for transmission and reception of:

- A. Two-way and/or citizen band (CB) radio signals;
- B. Point-to-point *microwave* signals;
- C. Cellular radio signals;

D. Signals through FM radio translators; or

E. Signals through FM radio boosters under 10 watts *effective radiated power* (ERP). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.215).]

18.20.520**Community residential facility (CRF).**

“Community residential facility (CRF)” means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified ~~in KMC 18.25.050~~ as health services. CRFs are further classified as follows:

A. CRF-I means nine to 10 residents and staff;

B. CRF-II means 11 or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.

Provided, however, that this definition shall not apply to *secure community transition facilities* as defined in KMC 18.20.2465 ~~or to adult family homes as defined in KMC 18.20.095~~. [Ord. 02-0145 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.220).]

18.20.530**Commuter parking lot.**

“Commuter parking lot” means vehicle parking specifically for the purpose of access to a public transit system or for users of carpools or vanpools. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.223).]

18.20.540**Compensatory storage.**

“Compensatory storage” means new, excavated storage volume equivalent to any flood storage which is eliminated by building, filling or *grading* within the *floodplain*. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour

intervals which are hydraulically connected to the floodway through their entire depth. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.225).]

18.20.550

Conditional use permit.

“Conditional use permit” means a permit required for uses due to special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to review by the reviewing official to establish conditions to protect public health, safety and welfare and ensure compatibility with nearby land uses. [Ord. 03-0175 § 8; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.230).]

18.20.560

Conference center.

“Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.235).]

18.20.570

Confinement area.

“Confinement area” means any open land area in which *livestock* are kept where the forage does not meet the definition of a *grazing area*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.240).]

18.20.580

Consolidation.

“Consolidation” means the relocation to a consolidated transmission structure of the main transmit *antennas* of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit *antennas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.245).]

18.20.590

Construction and trades.

“Construction and trades” means establishments that provide services related to construction of *buildings* and infrastructure, and other improvements to property. Such establishments include SIC Major Group Nos. 15-17 and SIC Industry Group No. 078 (Landscape and Horticultural Services). This definition excludes construction and trade establishments that qualify as a *professional office* by virtue of having only a business office without outside storage or fabrication. [Ord. 03-0175 § 9; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.247).]

18.20.600

Construction cost per student, school.

“School construction cost per student” means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.250).]

18.20.610

Conversion factor.

“Conversion factor” means a number that converts the water budget allowance from acre inches per acre per year to gallons per square foot per year or cubic feet per year. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.252).]

18.20.610

Courtyard.

“Courtyard” means a *private* open space internal to *development* which is not accessible to the public and which is enclosed on at least two sides by *structure(s)* or *fencing*.

18.20.612**Critical areas.**

“Critical areas” means any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat areas of importance, frequently flooded areas, *geologically hazardous areas*, *streams*, and *wetlands*, as defined in Chapter 36.70A RCW and this chapter. [Ord. 06-0244 § 21.]

18.20.614**Critical area tract.**

“Critical area tract” means land held in *private* ownership and retained in an undeveloped condition in perpetuity for the protection of *critical areas*. Lands within this type of dedication may include, but are not limited to, portions and combinations of forest habitats, grasslands, *geologically hazardous areas*, on-site watersheds, 100-year *floodplains*, shorelines or shorelines of statewide significance, *riparian* areas, and *wetlands*. [Ord. 06-0244 § 22.]

18.20.620**Critical drainage area.**

“Critical drainage area” means an area which has been formally determined by the city of Kenmore surface water management department to require more restrictive regulation than city wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.255).]

18.20.630**Critical facility.**

“Critical facility” means a facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of “essential facilities”, “hazardous facilities” and “special occupancy structures” in the International Building Code. Critical facilities also include nursing homes, public roadway bridges, and sites for *hazardous substance* storage or production, not including the temporary storage of consumer products containing *hazardous substances* intended for household use or for retail sale on the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.260).]

18.20.632**Critical root zone (CRZ).**

6. “Critical root zone” is the area where the *tree’s* essential mass of roots are located. This root zone is generally the area surrounding a *tree* at a distance which is equal to one foot for every inch of trunk *diameter at breast height*, or the area of a circle with radius extending from a *tree’s* trunk to a point no less than the end of a *tree’s* longest branch, whichever is greater.

18.20.633**Crown.**

7. “Crown” means the area of a *tree* containing leaf or needle-bearing branches.

18.20.635**Cultural facilities.**

“Cultural facilities” means facilities which offer passive entertainment and enjoyment activities to the general public. This definition includes, but is not limited to, museums and libraries. [Ord. 03-0175 § 6.]

18.20.640**Daily care.**

“Daily care” means medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.262).]

18.20.650**Day care.**

“Day care” means an establishment for group care of nonresident adults or children.

A. Day care shall include only ~~SIC Industry No. 835, Child Day Care Services, SIC Industry No. 8322, Adult Day Care Centers~~ and the following:

1. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
2. Nursery schools for children under minimum age for education in public schools;
3. Privately conducted kindergartens or prekindergartens when not a part of a public or parochial school; and
4. Programs covering after-school care for school children.

B. Day care establishments are subclassified as follows:

1. ~~Family child-care home.~~
2. Day care I – A maximum of 12 adults or children in any 24-hour period; and
23. Day care II – Over 12 adults or children in any 24-hour period. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.265).]

18.20.655**Debris flow.**

“Debris flow” means a stream-like flow of muddy water filled with mixed sizes of sediment and rock. Debris flows are generated by sporadic heavy rains on steep slopes. [Ord. 06-0244 § 23.]

18.20.660**Deciduous.**

“Deciduous” means a plant species with foliage that is shed annually. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.270).]

18.20.665**Degraded wetland buffer.**

“Degraded wetland buffer” means a *buffer* area which cannot adequately protect its adjacent *wetland* due to one or more of the following existing conditions:

- A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);
- B. Significant cover (over 50 percent) in *nonnative vegetation*;
- C. Significant cover (over 50 percent) in invasive species or *noxious weeds*;
- D. Presence of existing nonconforming *structures* or improvements. [Ord. 06-0244 § 24.]

18.20.670**Density credit, transfer of (TDC).**

“Transfer of density credit (TDC)” means the ability to transfer potentially buildable *dwelling units* from an eligible *sending site* to an eligible *receiving site* as provided in this code. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.275).]

18.20.680**Department.**

“Department” means the *city of Kenmore department of community development or outside agency assigned by the city manager to administer a portion of the city code*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.280).]

18.20.690**Department and variety store.**

“Department and variety store” means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, gifts, novelties and souvenirs, luggage and leather goods, home furnishings, and housewares, including only uses located in SIC Major Group and Industry Nos.:

A. 53—General Merchandise;

B. 5947—Gift, Novelty, and Souvenir Shops; and

C. 5948—Luggage and Leather Goods Stores. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.285).]

18.20.695**Designated manufactured home.**

“Designated manufactured home” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which meets the following conditions, as allowed under RCW 35A.21.312 and RCW Chapter 35.63.160 RCW:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with, and now has, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Residential Code single-family residences.

D. Is a “new manufactured home” as defined in RCW 35.63.160, meaning any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2);

E. Is set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;

F. Complies with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

G. Is thermally equivalent to the State Energy Code; and

H. This section does not override any legally recorded covenants or deed restrictions of record. [Ord. 07-0272 § 2.]

18.20.700**Destination resort.**

“Destination resort” means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.290).]

18.20.710**Developer or applicant.**

“Developer or applicant” means the person or entity who that owns or holds purchase options or other development control over property for which development activity is proposed. (Also see “Applicant”, KMC 18.20.190.) [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.295).]

18.20.715**Development.**

“Development” means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the city that binds land to specific patterns of use, including,

but not limited to, subdivisions, short subdivisions, zone changes, *conditional use permits*, and binding site plans. Development **activity** does not include the following activities:

- A. Interior *building* improvements;
- B. Exterior *structure* maintenance activities, including painting and roofing;
- C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; or
- D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries. [Ord. 06-0244 § 25.]

18.20.720**Development activity.**

“Development activity” means any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.300).]

18.20.730**Development agreement.**

“Development agreement” means a recorded agreement between a **UPD** applicant and the city of **Kenmore** which incorporates the site plans, development standards, and other features of an **Urban Plan Development**. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.305).]

18.20.735**Development permit.**

“Development permit” means any permit issued by the city, or other authorized agency, for construction, land use, or the alteration of land. [Ord. 06-0244 § 26.]

18.20.740**Development proposal.**

“Development proposal” means any activities requiring a permit or other approval from the city of **Kenmore** relative to the use or development of land. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.310).]

18.20.750**Development proposal site.**

“Development proposal site” means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the city of **Kenmore** to carry out a *development proposal*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.315).]

18.20.752**Diameter at breast height (d.b.h.).**

9. “Diameter at breast height (d.b.h.)” means a *tree’s* diameter in inches at four and one-half feet above the ground. On multiple stemmed or trunked *trees*, the diameter shall be the sum of diameters of all individual stems or trunks.

18.20.755**Differential settlement.**

“Differential settlement” means nonuniform or uneven ground settlement that occurs over a relatively short distance, such as measured across the width of a residential *structure* (typically 25 feet). Differential settlement can result if a *structure* is underlain by dissimilar soils below portions of the *structure* (e.g., dense fill versus loose fill below parts of the *structure*), or by uneven ground settlement as could occur if the ground below a *structure* were to liquefy during strong earthquake shaking. [Ord. 06-0244 § 27.]

18.20.760**Direct traffic impact.**

“Direct traffic impact” means any increase in vehicle traffic generated by a proposed *development* which equals or exceeds 10 *peak hour*, peak direction vehicle trips on any roadway or intersection. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.320).] THIS SHOULD BE MOVED TO TITLE 12

18.20.770**Director.**

“Director” means the director of the city of Kenmore department of community development or his or her designee. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.325).]

18.20.772**Dock.**

A “dock” is a platform built out from the shore into the water providing access to boats or other watercraft or for public viewing of the water. [Ord. 08-0293 § 2.]

18.20.775**Domiciliary care.**

“Domiciliary care” means:

- A. Assistance with activities of daily living provided by the licensee either directly or by contract;
- B. Assuming general responsibility for the safety and well-being of the resident; and
- C. Limited nursing services, if provided by the licensee. [Ord. 03-0175 § 6.]

18.20.780**Dormitory.**

“Dormitory” means a residential *building* that provides sleeping quarters, but not separate *dwelling units*, and may include common dining, cooking and recreation or bathing facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.330).]

18.20.785**Drive-through service.**

“Drive-through service” means a business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include, but not be limited to, fast-food restaurants,

espresso stands, and drive-in services at banks and pharmacies. This definition excludes automotive service and repair, gas stations, and *car washes*. [Ord. 03-0175 § 6.]

18.20.790**Drop box facility.**

“Drop box facility” means a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.335).]

18.20.800**Drug store.**

“Drug store” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, and tobacco stores and stands, including only uses located in SIC Industry Group and Industry Nos.:

- A. 591—Drug Stores and Proprietary Stores;

~~B. 5993 Tobacco Stores and Stands; and~~
~~C. 5999 Cosmetics Stores. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.340).]~~

18.20.805**Durable materials.**

“Durable materials” means materials capable of withstanding wear and tear with limited maintenance required, long-term use, vandal resistant, and weather resistant.

18.20.810**Dwelling unit.**

“Dwelling unit” means one or more rooms designed for occupancy by a person or *family* for living and sleeping purposes, containing *kitchen facilities* and rooms with internal accessibility, for use solely by the dwelling’s occupants; ~~dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory built housing, designated manufactured homes, manufactured homes and mobile homes.~~ [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.345).]

18.20.820**Dwelling unit, accessory.**

“Accessory dwelling unit” means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.350).]

18.20.830**Reserved.**

~~[Ord. 03-0175 § 10; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.355).]~~

18.20.835**Dwelling, multiple-family.**

“Dwelling, multiple-family” means a one-family dwelling attached to one or more one-family dwellings by common roofs, walls, or floors. Also includes one or more dwellings attached to nonresidential *uses*. This definition does not include *accessory dwelling units*, *community residential facilities*, or nursing and personal care facilities.

A. **Apartment.** A residential *building* containing two or more *dwelling units* which are attached at one or more common roofs, walls, or floors. Typically, the unit’s habitable area is provided on a single level. Unit entrances may or may not be provided from a common corridor.

B. **Townhouse.** A one-family, ground-related dwelling attached to one or more such units in which each unit has its own exterior, ground-level access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. Typically the units are multi-story.

~~C. Senior Citizen Assisted Housing. Housing in a building consisting of two or more dwelling units or sleeping units restricted to occupancy by at least one senior citizen per unit, and may include the following support services, as deemed necessary:~~

- ~~1. Food preparation and dining areas;~~
- ~~2. Group activity areas;~~
- ~~3. Medical supervision; and~~
- ~~4. Similar activities. [Ord. 03-0175 § 6.]~~

18.20.840**Dwelling unit, single detached.**

“Single detached dwelling unit” means a detached *building* containing one *dwelling unit* or an adult family home. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.365).]

18.20.850**Reserved.****[Ord. 03-0175 § 11; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.370).]****18.20.860****Earth station.**

“Earth station” means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish *antennas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.375).]

18.20.865**Educational institutions (public or private), existing K-12.**

“Educational institutions (public or private), existing K-12” means an existing public or private school encompassing grades K – 12. [Ord. 03-0175 § 6.]

18.20.870**Effective radiated power.**

“Effective radiated power” means the product of the *antenna* power input and the numerical *antenna* power gain. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.380).]

18.20.880**Electrical substation.**

“Electrical substation” means a *site* containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.390).]

18.20.885**Emergent wetland.**

“Emergent wetland” means a *wetland* with at least 30 percent of the surface area covered by erect, rooted, herbaceous *vegetation* extending above the water surface as the uppermost vegetative stratum. [Ord. 06-0244 § 28.]

18.20.890**Emergency.**

“Emergency” means an occurrence during which there is imminent danger to the public health, safety and welfare, or which poses an imminent risk to property, as a result of a natural or manmade catastrophe as so declared by the ~~city manager~~director of the department of community development. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.392).]

18.20.900**Energy resource recovery facility.**

“Energy resource recovery facility” means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.395).]

18.20.910**Enhancement.**

“Enhancement” means actions taken to improve habitat or water quality function and/or wildlife use in a given area by planting native species, removing nonnative species, installing habitat *structures*, and any other measures approved by the *city*. [Ord. 06-0244 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.400).]

18.20.920**Equipment, heavy.**

“Heavy equipment” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- A. Carryalls;
- B. Graders;
- C. Loading and unloading devices;
- D. Cranes;
- E. Drag lines;
- F. Trench diggers;
- G. Tractors;
- H. Augers;
- I. Bulldozers;
- J. Concrete mixers and conveyers;
- K. Harvesters;
- L. Combines; or

M. Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.405).]

18.20.930**Erosion.**

“Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.410).]

18.20.940**Erosion hazard areas.**

“Erosion hazard areas” means those areas identified by the United States Department of Agriculture Natural Resources Conservation Service or identified by a special study as having a “moderate to severe” or “very severe” *erosion* potential. [Ord. 06-0244 § 4; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.415).]

18.20.950**Evergreen.**

“Evergreen” means a plant species with foliage that persists and remains green year round. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.420).]

18.20.960**Examiner.**

“Examiner” means the hearing examiner as established by Chapter 19.30 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.425).]

18.20.965**Existing legal uses.**

Where the term “existing” or “existing legal” follows a listed *use* type within the table(s), then those *uses* that can document their legal conforming status prior to the adoption of the ordinance codified in this section April 28, 2003 are considered to be *permitted uses* and given all the rights of other *permitted uses* within the district, until such time as there is a change of *use* or abandonment as set forth in KMC 18.75100.085. In addition, these *uses* may be rebuilt within the same footprint and floor area should they suffer damage; provided, that no new *nonconformances* with standards are created (e.g., *setbacks*), if any. These *uses* may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, *setbacks*, parking, etc.), unless otherwise specifically conditioned. [Ord. 03-0175 § 6.]

18.20.967**FAA.**

C. "FAA" shall mean the Federal Aviation Administration.

18.20.970**Fabric shop.**

"Fabric shop" means an establishment engaged in the retail sale of sewing or needlework supplies and accessories, or awnings, banners or flags, including only uses located in SIC Industry Nos.:

A. 5949 Sewing, Needlework, and Piece Goods Stores; and

B. Awning Shops, Banner Shops, and Flag Shops found in 5999. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.430).]

18.20.980**Facilities standard.**

"Facilities standard" means the space required by grade span, and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district's capital facilities plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.435).]

18.20.990**Factory built commercial building.**

"Factory built commercial building" means any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site; and designed or used for nonresidential human occupancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.440).]

18.20.1000**Fairground.**

"Fairground" means a site permanently designated and improved for holding a county fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

- A. Carnivals;
- B. Circuses;
- C. Expositions;
- D. Animal shows; and

E. Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.445).]

18.20.1010**Family.**

"Family" means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.450).]

18.20.1012**Family child-care home.**

"Family child-care home" means a child day care provider who regularly provides child day care and early learning services for not more than twelve (12) children in the provider's home in the family living-quarters, or as otherwise defined in RCW43.215.010.

18.20.1015**FCC.**

D. “FCC” shall mean the Federal Communications Commission.

18.20.1020**Federal Emergency Management Agency (FEMA) floodway.**

“Federal Emergency Management Agency (FEMA) floodway” means the channel of the *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without increasing the *base flood elevation* more than one foot. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.455).]

18.20.1030**Feed store.**

“Feed store” means an establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.460).]

18.20.1040**Fence.**

“Fence” means a barrier for the purpose of enclosing space or separating *lots*, composed of:

A. Masonry or concrete walls, excluding *retaining walls*; or

B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.465).]

18.20.1050**Financial guarantee.**

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with this code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and/or other forms of financial security acceptable to the **director/city manager**. For the purposes of this title, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered subcategories of financial guarantee. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.467).]

18.20.1052**First floor facades.**

“First floor facades” means, for the purposes of determining priority **design** standards, the following categories of regulations when applied to the *ground floor of buildings*: *Ground floor facades, ground floor transparency and visibility, blank wall and side wall, and building materials.*

18.20.1055**Fish habitat.**

“Fish habitat” means habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by *restoration* or management and off-channel habitat. [Ord. 06-0244 § 29.]

18.20.1060**Flood fringe.**

“Flood fringe” means that portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.470).]

18.20.1070**Flood hazard areas.**

“Flood hazard areas” means those areas in the city of Kenmore subject to inundation by the *base flood* and those areas subject to risk from *channel relocation or stream meander* including, but not limited to, *streams*, *lakes*, *wetlands* and closed depressions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.475).]

18.20.1080**Flood insurance rate map (FIRM).**

“Flood insurance rate map” means the official map on which the Federal Insurance Administration has delineated some *areas of flood hazard areas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.480).]

18.20.1090**Flood insurance study for King County.**

“Flood insurance study for King County” means the official report provided by the Federal Insurance Administration which includes flood profiles and the *flood insurance rate map*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.485).]

18.20.1100**Flood protection elevation.**

“Flood protection elevation” means an elevation which is one foot above the *base flood elevation*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.490).]

18.20.1110**Floodplain.**

“Floodplain” means the total area subject to inundation by the *base flood*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.495).]

18.20.1120**Floodproofing.**

“Floodproofing” means adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.500).]

18.20.1130**Floodway, zero-rise.**

“Zero-rise floodway” means the channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to *development* in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *flood insurance study for King County*, are considered the boundaries of the *zero-rise floodway* unless otherwise delineated by a *critical area* special study. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.505).]

18.20.1135**Floor area ratio (FAR).**

“Floor area ratio (FAR)” means a measure of development intensity equal to the gross building floor area, divided by the *gross land site* area. [Ord. 03-0175 § 6.]

18.20.1140**Florist shop.**

“Florist shop” means an establishment engaged in the retail sale of flowers and plants, ~~including only uses located in SIC Industry Nos.:~~

~~A. 5992 Florists; and~~

~~B. 5999 Artificial Flowers.~~ [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.510).]

18.20.1150**Forest practice.**

“Forest practice” means any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter 79.06 RCW for which a forest practice permit is required, together with:

A. Fire prevention, detection and suppression; and

B. Slash burning or removal. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.520).]

18.20.1160**Forest product sales.**

“Forest product sales” means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

A. Trees;

B. Wood chips;

C. Logs;

D. Fuelwood;

E. Cones;

F. Christmas trees;

G. Berries;

H. Herbs; or

I. Mushrooms. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.525).]

18.20.1170**Forest research.**

“Forest research” means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, ~~including only uses located in SIC Industry Nos.:~~

~~A. 8731 Commercial Physical and Biological Research;~~

~~B. 8733 Noncommercial Research Organizations; and~~

~~C. 8734 Testing Laboratories.~~ [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.530).]

18.20.1180**Fully contained community (FCC).**

“Fully contained community (FCC)” means a site specific development project consisting of conceptual site plan(s), development standards, processing and other elements, and which is consistent with the criteria provided in RCW 36.70A.350. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.533).]

18.20.1185**Functions and values.**

“Functions and values” means the beneficial roles served by *critical areas* including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, *erosion* control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority. [Ord. 06-0244 § 30.]

18.20.1190**Furniture and home furnishings store.**

“Furniture and home furnishings store” means an establishment engaged in the retail sale of household furniture and furnishings for the home, including only uses located in SIC Major Group and Industry Nos. A. 57—Home Furniture, Furnishings, and Equipment Stores, except Industry Group No. 573; and B. Baby Carriages, Cake Decorating Supplies, Hot Tubs, Picture Frames (ready-made), Swimming Pools (above ground, not site built), Telephone Stores and Typewriter Stores found in 5999. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.535).]

18.20.1200**General business service.**

“General business service” means an establishment engaged in providing services to businesses or individuals, with no *outdoor storage* or fabrication, including banks, brokerages, insurance offices, real estate offices, and membership organizations, only uses located in SIC Major Group Nos.

A. 60—Depository Institutions;
B. 61—Nondepository Credit Institutions;
C. 62—Security and Commodity Brokers, Dealers, Exchanges, and Services;
D. 63—Insurance Carriers;
E. 65—Real Estate, except 653 (Real Estate Agents and Directors);
F. 67—Holding and Other Investment Offices;
G. 7299—Miscellaneous Personal Services, not elsewhere classified;
H. 73—Business Services, except Industry Group and Industry Nos. 7312—Outdoor Advertising Services;
and
I. 86—Membership Organizations, including administrative offices of organized religions found in 8661, but excluding churches and places of worship. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.540).]

18.20.1202**General personal service use.**

“General personal service use” means drycleaning and laundry services, linen suppliers, diaper services, carpet and upholstery cleaning services, portrait studios, clothing alteration and repair services, beauty and barber shops, shoe repair shops, tax return preparation services, and other miscellaneous personal services.

18.20.1203**General services land uses.**

“General services land uses” means general personal service use; drycleaning plants; industrial launderers; funeral home/crematory; cemetery, columbarium or mausoleum; day care I; day care II; veterinary clinic; automotive repair (except tire retreading); automotive service; miscellaneous repair; church, mosque, temple; social services (except day care services and residential care); stable; kennel or cattery; theatrical production services; artist studios; interim recycling facility; medical/dental office/outpatient clinic; nursing and personal care facilities; hospital; medical/dental lab; miscellaneous health services; elementary school; middle/junior high school; secondary or high school; vocational school; specialized instruction school; and school district support facility.

18.20.1205**Geologically hazardous areas.**

“Geologically hazardous areas” means areas that may not be suited to *development* consistent with public health, safety or environmental standards because of their susceptibility to *erosion*, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: *erosion, landslide*, seismic, and other hazards. [Ord. 06-0244 § 31.]

18.20.1210**Geologist.**

“Geologist” means a person who has earned at least a Bachelor of Science degree in the geological sciences from an accredited college or university or who has equivalent educational training and at least four years of professional experience. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.545).]

18.20.1220**Geotechnical engineer.**

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer by the state of Washington who has at least four years of professional employment as a geotechnical engineer. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.550).]

18.20.1230**Golf course facility.**

“Golf course facility” means a recreational facility, under public or *private* ownership, designed and developed for golf activities with *accessory uses* including, but not limited to:

- A. A driving range;
- B. Miniature golf;
- C. *Pro shops*;
- D. Caddyshack buildings;
- E. Swimming pools, tennis courts and other related *recreational facilities*;
- F. Restaurants;
- G. Office and meeting rooms; and
- H. Related storage facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.555).]

18.20.1233**Government/business services land uses.**

“Government/business services land uses” means *public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; vector waste receiving facility; construction and trade; individual transportation and taxi; trucking and courier service; warehousing and wholesale trade (except self-service storage); self-service storage; farm product warehousing, refrigeration and storage; log storage; transportation service; freight and cargo service; passenger transportation service; communication offices; telegraph and other communications; general business service; professional office; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; automotive parking; professional sport teams/promoters; research, development and testing; heavy equipment and truck repair; commercial/industrial accessory uses; and helistop.*

18.20.1235**Government facilities, city.**

“Government facilities, city” means facilities of any unit of *city* government. Types of facilities include municipal offices, community centers, courts of law, public works maintenance facilities, and other types of municipal facilities. [Ord. 03-0175 § 6.]

18.20.1240**Grade span.**

“Grade span” means the categories into which a district groups its grades of students; i.e., *elementary, middle or junior high school, and high school.* [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.560).]

18.20.1250**Grading.**

“Grading” means any excavation, filling, removing the duff layer or any combination thereof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.565).]

18.20.1260**Grazing area.**

“Grazing area” means any open land area used to pasture *livestock* in which suitable forage is maintained over 80 percent of the area at all times of the year. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.570).]

18.20.1270**Groundcover.**

“Groundcover” means living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against *erosion*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.575).]

18.20.1272**Ground floor.**

“Ground floor” means the level of a *building* accessible from public walkways or public sidewalks that is typically at grade level. Building levels below ground are not considered ground floors.

18.20.1273**Grove.**

“Grove” means a contiguous grouping of *trees* standing in close proximity, which form a continuous canopy and/or are mutually dependant.

18.20.1275**Hazard areas.**

“Hazard areas” means areas designated as frequently flooded areas or *geologically hazardous areas* due to potential for *erosion*, *landslide*, seismic activity, *mine collapse*, or other geological condition. [Ord. 06-0244 § 32.]

18.20.1280**Hazardous household substance.**

“Hazardous household substance” means a substance as defined in RCW 70.105.010. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.580).]

18.20.1290**Hazardous liquid and gas transmission pipelines.**

“Hazardous liquid and gas transmission pipelines” are as defined by RCW 81.88.040 and WAC 480-93-005. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.582).]

18.20.1300**Hazardous substance.**

“Hazardous substance” means a substance as defined in RCW 70.105.010. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.585).]

18.20.1305**Health services, miscellaneous.**

“Health services, miscellaneous” includes home health care services, kidney dialysis centers, special outpatient facilities, such as family planning centers and outpatient mental health facilities, blood and organ banks, medical photography, and childbirth preparation classes, as well as other miscellaneous ambulatory health care services.

18.20.1307**Hearing Examiner.**

“Hearing Examiner” means the hearing examiner as established by Chapter 19.30 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.425).]

18.20.1310**Heavy equipment and truck repair.**

“Heavy equipment and truck repair” means the repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, lifts, but excluding automobiles and pickup trucks under 10,000 pounds, *recreational vehicles*, boats and their trailers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.590).]

18.20.1320**Helistop.**

“Helistop” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangars, maintenance or overhaul facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.595).]

18.20.1330**Historic resource.**

“Historic resource” means a district, site, *building*, *structure* or object significant in national, state or local history, architecture, archaeology, and culture. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.597).]

18.20.1340**History.**

“History” means an organized compilation of information on historic resources considered to be potentially significant according to the criteria listed in KMC 2.20.040(A). The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.598).]

18.20.1350**Hobby, toy, and game shop.**

“Hobby, toy, and game shop” means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including coin shops and stamp sales, only uses located in SIC Industry Nos.:

A. 5945 Hobby, Toy and Game Shops; and

B. 5999 Autograph and Philatelist Supply Stores, Coin Shops, and Stamps, Philatelist retail (Except Mail Order). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.600).]

18.20.1360**Home industry.**

“Home industry” means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or residential accessory *building*, or in a barn or other resource accessory *building* and is subordinate to the primary use of the *site* as a residence. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.605).]

18.20.1370**Home occupation.**

“Home occupation” means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or accessory *building* and is subordinate to the primary use of the *site* as a residence. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.610).]

18.20.1375**Hotel.**

“Hotel” means a *building* or portion thereof designed or used for transient rental for sleeping purposes. Hotel *structures* are at least two stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central

kitchen and dining room and accessory shops and services catering to the general public may be provided. Not included in this definition are *townhouses, apartments, bed and breakfasts, or motels*. [Ord. 03-0175 § 6.]

18.20.1380**Household pets.**

“Household pets” means small animals that are kept within a *dwelling unit*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.615).]

18.20.1381**Human-scaled elements.**

“Human-scaled elements” means the perceived size of a *building* or space relative to the human body. Human-scaled elements such as doors, windows, bays, etc., have dimensions and proportions which respond to the size of a human body.

18.20.1382**Hydraulic project approval (HPA).**

“Hydraulic project approval” means a permit issued by the Washington State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW. [Ord. 06-0244 § 33.]

18.20.1384**Hydric soil.**

“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual (1997). [Ord. 06-0244 § 34.]

18.20.1390**Hydroelectric generation facility.**

“Hydroelectric generation facility” means an establishment for the generation of electricity using water sources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.620).]

18.20.1400**Impervious surface.**

“Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to *development*, and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow compared to from the flow present under natural conditions prior to *development*. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, or storage areas, areas which are paved, graveled or made of concrete or asphalt paving, gravel roads, packed or oiled earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of surface and stormwater. E. Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, or open uncovered surface water flow control or water quality treatment facilities. [Ord. 04-0213 § 5; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.050).] [Ord. 06-0244 § 5; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.625).]

18.20.1410**Improved public roadways.**

“Improved public roadways” means public road rights-of-way that have been improved with at least two travel lanes and are maintained by either the city of Kenmore or the state of Washington. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.630).]

18.20.1420**Individual transportation and taxi.**

“Individual transportation and taxi” means an establishment engaged in furnishing individual or small group transportation by motor vehicle, ~~including only uses located in SIC Industry Group and Industry Nos.~~

~~A. 412 Taxicabs; and~~

~~B. 4119 Local Passenger Transportation, Not Elsewhere Classified. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.635).]~~

18.20.1430**Infiltration rate.**

“Infiltration rate” means the rate of water entry into the soil expressed in inches per hour. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.637).]

18.20.1435**In-kind.**

“In-kind” means to replace *critical areas* with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. [Ord. 06-0244 § 35.]

18.20.1440**Interim recycling facility.**

“Interim recycling facility” means a *site* or establishment engaged in collection or treatment of *recyclable materials*, which is not the final disposal site, and including:

A. Drop boxes;

B. Source-separated, *organic waste processing* facilities; and

C. Collection, separation and shipment of glass, metal, paper or other recyclables. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.640).]

18.20.1450**Interlocal agreement.**

“Interlocal agreement” means, for purposes of Chapter 18.65 KMC, any agreement between the city, the district, and any city or county setting forth certain terms relating to the collection of impact fees by the city and distribution of those fees to the district. An interlocal agreement shall not be required where the city is the sole jurisdiction within the boundaries of the district that is assessing impact fees. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.641).]

18.20.1460**Irrigation efficiency.**

“Irrigation efficiency” means the coefficient of the amount of water beneficially used divided by the amount of water applied. This coefficient is derived from actual measurements and an evaluation of the general characteristics of the type of irrigation system and management practices proposed. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.642).]

18.20.1470**Jail.**

“Jail” means a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.645).]

18.20.1480**Jail farm.**

“Jail farm” means a farm or camp on which persons convicted of minor law violations are confined and participate in agriculture and other work activities of the facility. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.650).]

18.20.1490**Jewelry store.**

“Jewelry store” means an establishment engaged in the retail sale of a variety of jewelry products, including gemstones and rock specimens, only uses located in SIC Industry Nos.:

A. 5944—Jewelry Stores; and

B. Gem Stones and Rock Specimens found in 5999. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.655).]

18.20.1500**Joint use driveway.**

“Joint use driveway” means a jointly owned and/or maintained vehicular access to two residential properties. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.658).]

18.20.1510**Kennel.**

“Kennel” means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.660).]

18.20.1520**Kitchen or kitchen facility.**

“Kitchen or kitchen facility” means an area within a *building* intended for the preparation and storage of food and containing:

A. An appliance for the refrigeration of food;

B. An appliance for the cooking or heating of food; and

C. A sink. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.662).]

18.20.1530**Landfill.**

“Landfill” means a disposal *site* or part of a *site* at which refuse is deposited. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.665).]

18.20.1540**Landscape water features.**

“Landscape water features” means a pond, pool or fountain used as a decorative component of a *development*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.667).]

18.20.1550**Landscaping.**

“Landscaping” means live vegetative materials required for a *development*. Said materials provided along the boundaries of a *development site* is referred to as perimeter landscaping. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.670).]

18.20.1560**Landslide.**

“Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.675).]

18.20.1570**Landslide hazard areas.**

“Landslide hazard areas” means areas that are potentially subject to risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope

aspect, geologic structure, ground water, or other factors. [Ord. 06-0244 § 6; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.680).]

18.20.1575**Lattice-work tower.**

~~G. “Lattice-work tower” shall mean~~ a transmission support structure that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

18.20.1580**Level of service (LOS) traffic.**

“Level of service (LOS) traffic” means a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated in accordance with Chapters 12.75 and 12.80 KMC. LOS “A” indicates free flow of traffic with no delays while LOS “F” indicates jammed conditions or extensive delay. [Ord. 08-0292 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.685).]

18.20.1590**Light equipment.**

“Light equipment” means hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.690).]

18.20.1600**Livestock.**

“Livestock” means grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to:

- A. Cattle;
- B. Riding and draft horses;
- C. Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*;
- D. Sheep; and
- E. Goats. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.695).]

18.20.1610**Livestock, large.**

“Large livestock” means cattle, horses, and other *livestock* generally weighing over 500 pounds. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.700).]

18.20.1620**Livestock, small.**

“Small livestock” means hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*, sheep, goats, miniature horses, llamas, alpaca and other *livestock* generally weighing under 500 pounds. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.705).]

18.20.1630**Livestock sales.**

“Livestock sales” means the sale of *livestock* but not including auctions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.710).]

18.20.1640**Loading space.**

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.715).]

18.20.1650**Log storage.**

“Log storage” means a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.720).]

18.20.1660**Lot.**

“Lot” means a physically separate and distinct parcel of property, which has been created pursuant to KMC Title 17, Land Division. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.725).]

18.20.1670**Lot line, interior.**

“Interior lot line” means lot lines that delineate property boundaries along those portions of the property which do not abut a *street*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.730).]

18.20.1671**Low impact development (LID).**

“Low impact development” means a stormwater management and land development strategy that emphasizes conservation and use of existing natural site features integrated with distributed small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings.

18.20.1675**Manufactured home.**

“Manufactured home” is defined under WAC 296-150M-0020. The term “manufactured home” does not include a “recreational vehicle.” [Ord. 07-0272 § 2.]

18.20.1677**Manufacturing land uses.**

“Manufacturing land uses” means food and kindred products manufacture; winery/brewery; textile mill products; apparel and other textile products manufacture; wood products manufacture, except furniture; furniture and fixtures manufacture; paper and allied products manufacture; printing and publishing; chemicals and allied products manufacture; petroleum refining and related industries; rubber and misc. plastics products manufacture; leather and leather goods manufacture; stone, clay, glass and concrete products manufacture; primary metal industries; fabricated metal products; industrial and commercial machinery manufacture; heavy machinery and equipment manufacture; computer and office equipment manufacture; electronic and other electric equipment manufacture; railroad equipment manufacture; guided missile and space vehicle parts manufacture; miscellaneous transportation vehicles manufacture; measuring and controlling instruments manufacture; miscellaneous light manufacturing; motor vehicle and bicycle manufacturing; aircraft, ship and boat building; tire retreading; and movie production/distribution.

18.20.1680**Marina.**

“Marina” means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and accessory facilities including, but not limited to:

- A. Showers;
- B. Toilets; and
- C. Self-service laundries. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.735).]

18.20.16853**Mass wasting.**

“Mass wasting” means the spontaneous downhill movement of soil and/or rock under the influence of gravity. [Ord. 06-0244 § 36.]

18.20.16835**Master plan.**

A “master plan” consists of a narrative description and map conceptually describing long-term land uses, circulation and infrastructure, *open space*, and development phasing for an area or property to guide future *development*. [Ord. 08-0293 § 2.]

18.20.1690**Material error.**

“Material error” means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.740).]

18.20.1695**Medical/dental office/outpatient clinic.**

“Medical/dental office/outpatient clinic” means establishments of licensed practitioners having the appropriate degree to practice medicine, dentistry, osteopathy, chiropractics, podiatry, optometry, and other health practitioners ~~included in SIC categories 801 to 804~~. This definition also includes the indoor retail sale of personal medical supplies as an ancillary operation. [Ord. 03-0175 § 6.]

18.20.1700**Microwave.**

“Microwave” means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.745).]

18.20.1705**Miscellaneous repair.**

“Miscellaneous repair” means repair of nonpersonal/nonhousehold items ~~including, but not limited to, items in SIC 7692, 7694 and 7699, except items in SIC 7699 that are personal repair items, household repair items, or~~ nonmotorized vehicle repair. This definition excludes *on-site services*. [Ord. 03-0175 § 6.]

18.20.1710**Mitigation.**

“Mitigation” means the use of any or all of the following actions listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected *critical area* or *buffer*;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the *development proposal*;
- E. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and
- F. Monitoring the impact and taking appropriate corrective measures. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.750).]

18.20.1720**Mitigation bank.**

“Mitigation bank” means a property that has been protected in perpetuity, and approved by appropriate county, state and federal agencies expressly for the purpose of providing compensatory *mitigation* in advance

of authorized impacts through *restoration*, creation, and/or *enhancement* of *wetlands*, and in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.751).]

18.20.1730**Mitigation banking.**

“Mitigation banking” means a system for providing compensatory *mitigation* in advance of authorized *wetland* impacts of *development* in the city of Kenmore in which credits are generated through *restoration*, creation, and/or *enhancement* of *wetlands*, and in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.752).]

18.20.1740**Mixed use development.**

“Mixed use development” means a combination of residential and nonresidential *uses* within the same *building* or *site* as part of an integrated *development* project with functional interrelationships and coherent physical design. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.753).]

18.20.1745**Mobile food vendor.**

“Mobile food vendor” means retail sale of food or beverages from a cart on a nonfixed foundation which is typically removed daily at the close of business, and is located on a sidewalk or near a storefront. [Ord. 03-0175 § 6.]

18.20.1750**Mobile home.**

“Mobile home” is defined under WAC 296-150M-0020. [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.755).]

18.20.1760**Mobile home park.**

“Mobile home park” means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes*, *manufactured homes*, or *designated manufactured homes*. [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.760).]

18.20.1762**Modification.**

For purposes of KMC Chapter 18.60, “*modification*” shall mean any structural change, addition, or alteration that was not included in an approved site plan. Modifications shall include increased heights and changes in *antenna* type.

18.20.1765**Modulation.**

“Modulation” means variations in a *building facade* through the use of setbacks, upper level stepbacks, and/or projections from the *building* which serve to break up the apparent mass and bulk of a *building*.

18.20.1770**Monitoring.**

For purposes of KMC Chapter 18.55, “*monitoring*” means evaluating the impacts of *development proposals* on the biological, hydrological, and geological elements of *critical areas* and assessing the performance of required *mitigation* measures throughout the collection and analysis of data by various

methods. Monitoring serves the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data. [Ord. 06-0244 § 7; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.765).]

18.20.1775**Monopole tower.**

“Monopole tower” shall mean a transmission support structure consisting of a single pole, without guy wires or ground anchors.

18.20.1780**Monuments, tombstones, and gravestones sales.**

“Monuments, tombstones, and gravestones sales” means the retail sale of custom stonework products including only uses located in SIC Industry No. 5599—Monuments, Finished to Custom Order, Tombstones and Gravestones Finished. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.770).]

18.20.1785**Motel.**

“Motel” means a *building* or group of detached or connected *buildings* designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a *parking space* adjacent to a sleeping accommodation. This definition excludes *townhouses, apartments, bed and breakfasts, guesthouses, and hotels*. [Ord. 03-0175 § 6.]

18.20.1790**Motor vehicle, and boat and mobile home dealers.**

“Motor vehicles, and boat and mobile home dealers” means an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, or boats or mobile homes, including only uses located in SIC Major Group and Industry Group Nos.:

A. 55—Automotive Dealers and Gasoline Service Stations except:

1. 553—Auto and Home Supply Stores;

2. 554—Gasoline Service Stations; and

B. Aircraft Dealers found in 5599:

1. 527—Mobile Home Dealers; and

2. Yacht brokers found in 7389. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.775).]

18.20.1800**Motor vehicle and bicycle manufacturing.**

“Motor vehicle and bicycle manufacturing” means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles, including only uses located in SIC Industry Group Nos.:

A. 371—Motor Vehicles and Motor Vehicle Equipment; and**B. 375—Motorcycles, Bicycles, and Parts. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.780).]****18.20.1810****Mulch.**

“Mulch” means any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.782).]

18.20.1820**Municipal water production.**

“Municipal water production” means the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.785).]

18.20.1830**Native vegetation.**

“Native vegetation” means *vegetation* comprised of plant species, other than *noxious weeds*, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.790).]

18.20.1840**Naturalized species.**

“Naturalized species” means non-native species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.795).]

18.20.1850**Net buildable area.**

“Net buildable area” means the “*site area*” less the following areas:

- A. Areas within **or on the perimeter of** a project *site* which are required to be dedicated for public rights-of-way **in excess of 60 feet in width**;
- B. *Critical areas* and their *buffers* to the extent they are required by the city **of Kenmore** to remain undeveloped;
- C. Areas required for stormwater control facilities other than facilities which are completely underground, including but not limited to, retention/detention ponds, biofiltration swales and setbacks from such ponds and swales;
- D. Areas required by the city **of Kenmore** to be dedicated or reserved as on-site recreation areas;
- E. *Regional utility corridors*;
- F. Other areas, excluding *setbacks*, required by the city **of Kenmore** to remain undeveloped. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.797).]

18.20.1860**Nonconformance.**

“Nonconformance” means any *use*, improvement or *structure* established in conformance with the city **of Kenmore** rules and regulations in effect at the time of establishment that no longer conforms to the range of *uses* permitted in the *site*’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.800).]

18.20.1870**Nonhydroelectric generation facility.**

“Nonhydroelectric generation facility” means an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.805).]

18.20.1875**Nonindigenous.**

“Nonindigenous” means any species of plants or animals not native to the Puget Sound region. [Ord. 06-0244 § 37.]

18.20.1880**Nonionizing electromagnetic radiation (NIER).**

“Nonionizing electromagnetic radiation (NIER)” means electromagnetic radiation of low photon energy unable to cause ionization. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.810).]

18.20.1890**Noxious weed.**

“Noxious weed” means any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.815).]

18.20.1900**Off-street required parking lot.**

“Off-street required parking lot” means parking facilities constructed to meet the off-street parking requirements of Chapter 18, ~~45.40~~ KMC for land uses located on a *lot* separate from the parking facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.817).]

18.20.1905**Off track betting facilities.**

~~“Off track betting facilities” means facilities, also known as “satellite locations,” for off site betting on horse races, as described in Chapter 67.16 RCW, Horse Racing. Off track betting facilities shall not be a permitted land use within the city of Kenmore. [Ord. 02-0138 §§ 1, 2.]~~

18.20.1907**On site compensation.**

~~“On site compensation” means to replace critical areas at or adjacent to the site on which a critical area has been impacted. [Ord. 06-0244 § 38.]~~

18.20.1910**Open space.**

“Open space” means areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective *buffers* for *critical areas*, provide a visual contrast to continuous *development*, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.819).]

18.20.1920**Open-work fence.**

“Open-work fence” means a *fence* in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.820).]

18.20.1930**Ordinary high water mark.**

“Ordinary high water mark” means the mark found by examining the bed and banks of a *stream*, ~~or lake, or tidal water~~ and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.825).]

18.20.1940**Outdoor performance center.**

“Outdoor performance center” means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.830).]

18.20.1945**Outdoor retail display/sidewalk sale.**

“Outdoor retail display/sidewalk sale” means exhibit of goods which are directly accessible to the public for retail sale. These display areas are accessory to the principal indoor retail use. [Ord. 03-0175 § 6.]

18.20.1947**Out of kind compensation.**

“Out of kind compensation” means to replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. [Ord. 06-0244 § 39.]

18.20.1950**Overspray.**

“Overspray” means irrigation water applied beyond the landscape area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.832).]

18.20.1960**Park.**

“Park” means a *site* designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

1. Gymnasiums;
2. Swimming pools; or
3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;
2. Fishing areas;
3. Picnic and related outdoor activity areas; or
4. Approved *campgrounds*;

C. Areas and *trails* for:

1. Hikers;
2. Equestrians;
3. Bicyclists; or
4. Off-road recreational vehicle users;

D. Recreation space ~~Areas required~~ provided under KMC 18.35.170, 18.30.120 or 18.30.140;

E. Play areas required under KMC 18.35.180; and

F. Facilities for on-site maintenance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.835).]

18.20.1970**Park service area.**

“Park service area” means the area established by the department, within which the dedications of land and fees received from new residential developments are for the benefit of residents within such service area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.840).]

18.20.1980**Parking lot aisle.**

“Parking lot aisle” means that portion of the off street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.845).]

18.20.1990**Parking lot unit depth.**

"Parking lot unit depth" means the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.850).]

18.20.2000**Parking space.**

"Parking space" means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.855).]

18.20.2010**Parking space angle.**

"Parking space angle" means the angle measured from a reference line, generally the property line or centerline of an aisle, at which motor vehicles are to be parked. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.860).]

18.20.2020**Party of record (POR).**

"Party of record (POR)" means a person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official city record on a specific development proposal. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.865).]

18.20.2030**Peak hour.**

"Peak hour" means the hour during the morning or afternoon when the most critical *level of service* occurs for a particular roadway or intersection. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.870).]

18.20.2035**Pedestrian walkway.**

"Pedestrian walkway" means a public walkway that connects public *streets* to other *streets*, walkways, *public spaces*, or drives. Public walkways should be lit for nighttime use and be aligned for maximum *nighttime visibility*.

18.20.2040**Permanent school facilities.**

"Permanent school facilities" means facilities of a *school district* with a fixed foundation which are not *relocatable facilities*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.875).]

18.20.2050**Personal medical supply store.**

"Personal medical supply store" means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, ~~including only uses located in SIC Industry Nos.:~~

~~A. 5995 — Optical Goods Stores; and~~
~~B. 5999 — Hearing Aids and Orthopedic and Artificial Limb Stores. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.880).]~~

18.20.2060**Pet shop.**

"Pet shop" means an establishment engaged in the retail sale of *household pets*, *small animals*, ~~or pet~~ *their* supplies or grooming of pets, ~~including only uses located in SIC Industry No. 5999 — Pet Shops. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.885).]~~

18.20.2070**Photographic and electronic shop.**

“Photographic and electronic shop” means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including **radio, television and consumer electronic stores, and computer and computer software stores, only uses located in SIC Industry No.:**

A. 5946 — Camera and Photographic Supply Stores;

B. 5999 — Binoculars and Telescopes;

C. 5731 — Radio, Television, and Consumer Electronics Stores; and

D. 5734 — Computer and Computer Software Stores. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.890).]

18.20.2080**Plant associations of infrequent occurrence.**

“Plant associations of infrequent occurrence” means one or more plant species of a landform type which does not often occur in the city of Kenmore because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.895).]

18.20.2090**Plant factor.**

“Plant factor” means a factor which when multiplied by reference evapotranspiration, estimates the amount of water used by plants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.897).]

18.20.2100**Potable water.**

“Potable water” means water suitable for human consumption. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.899).]

18.20.2102**Practical alternative.**

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to *critical areas*. [Ord. 06-0244 § 40.]

18.20.2104**Priority habitat.**

“Priority habitat” means a habitat type or elements with unique or significant value to one or more *species* as classified by the Washington State Department of Fish and Wildlife. A priority habitat may consist of a unique *vegetation* type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34)). [Ord. 06-0244 § 41.]

18.20.2110**Private.**

“Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.900).]

18.20.2120**Private stormwater management facility.**

“Private stormwater management facility” means a surface water control *structure* installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such *structure*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.905).]

18.20.2130**Professional office.**

“Professional office” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities, ~~including only the following SIC Major Group and Industry Nos.:~~

- ~~A. 64 Insurance Agents, Brokers and Services;~~
- ~~B. 653 Real Estate Agents and Directors;~~
- ~~C. 7291 Income Tax Return Preparation Services;~~
- ~~D. 81 Legal Services;~~
- ~~E. 871 Engineering, Architectural and Surveying Services;~~
- ~~F. 872 Accounting, Auditing and Bookkeeping Services; and~~
- ~~G. 874 Management and Public Relations Services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.910).]~~

18.20.2135**Pro shop.**

A “pro shop” is a *building* or room where the retail operation of a golf course takes place. The functions of a pro shop may include, but are not limited to, tee time reservations, club fitting, handicap posting area, and sales of golf equipment, clothing, accessories, and similar items. [Ord. 08-0293 § 2.]

18.20.2140**Public agency.**

“Public agency” means any agency, political subdivision or unit of ~~local government of this state~~ including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.915).]

18.20.2150**Public agency animal control facility.**

“Public agency animal control facility” means a facility for the impoundment and disposal of stray or abandoned ~~household pets or small animals~~. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.920).]

18.20.2160**Public agency archive.**

“Public agency archive” means a facility for the enclosed storage of *public agency* documents or related materials, excluding storage of vehicles, equipment, or similar materials. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.925).]

18.20.2170**Public agency or utility office.**

“Public agency or utility office” means an office for the administration of any governmental or utility activity or program, with no *outdoor storage*, ~~and including, but not limited to uses located in SIC Major Group, Industry Group and Industry Nos.:~~

- ~~A. 91 Executive, Legislative, and General Government, except Finance;~~
- ~~B. 93 Public Finance, Taxation, and Monetary Policy;~~
- ~~C. 94 Administration of Human Resource Programs;~~
- ~~D. 95 Administration of Environmental Quality and Housing Program;~~
- ~~E. 96 Administration of Economic Programs;~~
- ~~F. 972 International Affairs;~~
- ~~G. 9222 Legal Counsel and Prosecution; and~~
- ~~H. 9229 Public Order and Safety. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.930).]~~

18.20.2180**Public agency or utility yard.**

“Public agency or utility yard” means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.935).]

18.20.2190**Public agency training facility.**

“Public agency training facility” means an establishment or school for training state and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

- A. Dining and overnight accommodations;
- B. Classrooms;
- C. *Shooting ranges*;
- D. Auto test tracks; and
- E. Fire suppression simulations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.940).]

18.20.2195**Public space/public open space.**

“Public space/public open space” means an open space or plaza in an area between a *building* and a *street* or *pedestrian walkway* where people gather or sit. Public spaces are open for public use during the daytime and evening and are visible from adjacent *streets*. Public spaces contain site furnishings, artwork, landscaping, *pedestrian lighting*, and other amenities which make the space comfortable and inviting. ~~“Public” means~~ Public spaces may be government owned or dedicated property or areas open to all persons by design or intent.

18.20.2200**Public transportation amenities.**

~~“Public transportation amenities” means transfer of development credits (TDC) amenities financed by public transportation funds that shall provide transportation improvement or programs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.943).]~~

18.20.2202**Public view.**

“Public view” means areas which are visible from adjacent public *streets*, walkways, or *public spaces*.

18.20.2205**Qualified professional.**

“Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant *critical area* subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology, geomorphology or a related field, and have two years of related work experience.

A. A qualified professional for habitats or *wetlands* must have a degree in biology and professional experience related to the subject *species*;

B. A qualified professional for a geological hazard must be a professional engineer or *geologist* licensed in the state of Washington. [Ord. 06-0244 § 42.]

18.20.2207**Qualified tree protection professional.**

~~15.~~ “Qualified tree protection professional” means a licensed professional with academic and/or field experience that makes her or him a recognized expert in *tree* preservation and management. The tree protection professional may be an arborist certified by the International Society of Arboriculture or be an

arborist registered with the American Society of Consulting Arborists, and shall have specific experience with tree management in the state of Washington. A qualified tree protection professional must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during development.

18.20.2210**Radio frequency.**

“Radio frequency” means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.945).]

18.20.2220**Reasonable use.**

“Reasonable use” means a legal concept articulated by federal and state courts in regulatory taking cases. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.950).]

18.20.2230**Receiving site.**

“Receiving site” means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to the city of Kenmore, or another qualifying agency, the development potential of an associated *sending site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.955).]

18.20.2231**Reclassification.**

“Reclassification” means a change in the zone classification on the zoning map pursuant to a Type 4 land use permit decision, where the reclassification is not related to a comprehensive plan land use map amendment.

18.20.2232**Recreational/cultural land uses.**

“Recreational/cultural land uses” means *park; trails; campgrounds; destination resorts; marina; recreational vehicle park; sports club; adult entertainment business; theater; theater drive-in; bowling center; golf facility; amusement and recreation services; shooting range; amusement arcades; amusement park; outdoor performance center; library; museum; arboretum; and conference center.*

18.20.2234**Recreational facilities, indoor.**

“Recreational facilities, indoor” means a place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasiums, *amusement arcades, sports clubs*, bowling alleys, and indoor swimming pools. This definition excludes sports arenas, shooting galleries, and outdoor recreation facilities. [Ord. 03-0175 § 6.]

18.20.2237**Recreational facilities, outdoor.**

“Recreational facilities, outdoor” means a place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: *private* outdoor tennis courts, *private* outdoor swimming pools, batting cages, miniature golf courses, golf driving ranges, and playgrounds. This definition excludes *marinas, parks, golf courses* and sports arenas. [Ord. 03-0175 § 6.]

18.20.2240**Recreational vehicle (RV).**

“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

- A. Travel trailer;
- B. Folding camping trailer;
- C. Park trailer;
- D. Truck camper;
- E. Park trailer;
- F. Motor home; and
- G. Multi-use vehicle. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.960).]

18.20.2250**Recreational vehicle parks.**

“Recreational vehicle parks” means the use of land upon which two or more *recreational vehicle sites*, including hook up facilities, are located for occupancy by the general public of *recreational vehicles* as temporary living quarters for recreation or vacation purposes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.965).]

18.20.2260**Recyclable material.**

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.970).]

18.20.2270**Reference evapotranspiration (Eto).**

“Reference evapotranspiration (Eto)” means a standard measurement of environmental parameters which affect the water use of plants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.972).]

18.20.2275**Regional land uses**

“Regional land uses” means *jail; jail farm/camp; work release facility; public agency animal control facility; public agency training facility; hydroelectric generation facility; nonhydroelectric generation facility; communication facility; earth station; oil and gas extraction; energy resource recovery facility; soil recycling facility; landfill; transfer station; wastewater treatment facility; municipal water production; airport/heliport; transit bus base; school bus base; racetrack; fairground; zoo/wildlife exhibit (except arboretum); stadium/arena; college/university (except technical institutions); and secure community transition facilities.*

18.20.2280**Regional stormwater management facility.**

“Regional stormwater management facility” means a surface water control *structure* installed in or adjacent to a *stream* or *wetland* of a basin or *subbasin* by the *surface water management (SWM) division* *department* or a project proponent. Such facilities protect downstream areas identified by *SWMthe department* as having previously existing or predicted significant regional basin flooding or *erosion* problems. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.975).]

18.20.2290**Regional utility corridor.**

“Regional utility corridor” means a right-of-way tract or easement other than a *street* right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual *lots* or *developments* are not regional utility corridors. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.980).]

18.20.2300**Relocatable facilities cost per student.**

“Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.985).]

18.20.2310**Relocatable facility.**

“Relocatable facility” means any factory-built *structure*, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential *developments* and the date that construction is completed on *permanent school facilities*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.990).]

18.20.2320**Relocation facilities.**

“Relocation facilities” means housing units within the city of Kenmore that provide housing to persons who have been involuntarily displaced from other housing units within the city of Kenmore as a result of conversion of their housing unit to other land uses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.995).]

18.20.2325**Residential land uses.**

“Residential land uses” means *single detached dwelling unit; townhouse; apartment; mobile home and manufactured home; mobile home park; family child-care home; community residential facility I; community residential facility II; assisted living; dormitory; residential accessory uses; home occupation; home industry; hotel/motel (except bed and breakfast guesthouses); bed and breakfast guesthouse; and organization hotel/lodging houses*.

18.20.2327**Resource land uses.**

“Resource land uses” means *growing and harvesting crops; raising livestock and small animals; growing and harvesting forest products; forest research; hatchery/fish preserve; aquaculture; wildlife shelters; mineral extraction and processing; asphalt/concrete mixtures and block manufacture; and resource accessory uses*.

18.20.2330**Restoration.**

“Restoration” means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged *wetlands, streams*, protected habitat, or their *buffers* to the functioning condition that existed prior to an unauthorized *alteration*; and

B. Actions performed to reestablish structural and functional characteristics of the *critical area* that have been lost by *alteration*, past management activities, or catastrophic events. [Ord. 06-0244 § 8; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1000).]

18.20.2340**Reserved.****18.20.2350****Retail, comparison.**

“Comparison retail” provides for the sale of comparison goods and services and is centrally located in the community or region. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1005).]

18.20.2360**Retail, convenience.**

“Convenience retail” means provides for daily living goods, is easy to access and use and is close to residential neighborhoods. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1010).]

18.20.2362**Retail land uses.**

“Retail land uses” means *building, hardware and garden materials stores; forest product sales; department and variety stores; food stores; agricultural product sales; motor vehicle and boat dealers; auto supply stores; gasoline service stations; apparel and accessory stores; furniture and home furnishings stores; eating and drinking places; drug stores; liquor stores; used goods; antiques/secondhand shops; sporting goods and related stores; book, stationery, video and art supply stores; jewelry stores; monuments, tombstones, and gravestones sales; hobby, toy, game shops; photographic and electronic shops; fabric shops; fuel dealers; florist shops; personal medical supply stores; pet shops; bulk retail; auction houses; and livestock sales.*

18.20.2364**Retail sales.**

“Retail sales” means establishments within a permanent *structure* of less than 65,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes *auction houses*, auto supply stores, *bulk retail*, outdoor retail sales, *motor vehicle and boat dealers*, and eating and drinking places. [Ord. 03-0175 § 6.]

18.20.2367**Retail sales, outdoor.**

“Retail sales, outdoor” means the display and sale of products and services primarily outside of a *building* or *structure*, including but not limited to garden supplies, tires and motor oil, *manufactured homes*, burial monuments, building and landscape materials, and lumber yards. This definition excludes *motor vehicle and boat dealers*, *outdoor retail display/sidewalk sales*, *mobile food vendors*, city-authorized temporary uses, or city-authorized uses allowed in public plazas or outdoor performance spaces on a temporary but regular basis. [Ord. 03-0175 § 6.]

18.20.2370**Retaining wall.**

“Retaining wall” means any wall used to resist the lateral displacement of any material. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1011).]

18.20.2375**Riparian.**

“Riparian” means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the *ordinary high water mark* or from the top of bank if the *ordinary high water mark* cannot be identified. It includes the entire extent of the *floodplain* and the extent of *vegetation* adapted to wet conditions as well as adjacent upland plant communities that directly influence the aquatic system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. [Ord. 06-0244 § 43.]

18.20.2380**Runoff.**

“Runoff” means water not absorbed by the soil in the landscape area to which it is applied. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1012).]

18.20.2390**Reserved.****18.20.2400****Reserved.****18.20.2410****Salmonid.**

“Salmonid” means a member of the fish family Salmonidae, such as Chinook, coho, chum, sockeye salmon, bull trout and cutthroat trout. [Ord. 06-0244 § 9; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1015).]

18.20.2420**School bus base.**

“School bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1020).]

18.20.2430**School district.**

“School district” means any school district in Kenmore. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1025).]

18.20.2440**School district support facility.**

“School district support facility” means *uses* (excluding schools and bus bases) that are required for the operation of a *school district*. This term includes *school district* administrative offices, centralized *kitchens*, and maintenance or storage facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1030).]

18.20.2450**Schools, elementary, and middle/junior high.**

“Schools, elementary, and middle/junior high” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1035).]

18.20.2460**Schools, secondary or high school.**

“Schools, secondary or high school” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1040).]

18.20.2462**Section 404 permit.**

“Section 404 permit” means a permit issued by the Corps of Engineers for the placement of dredge or fill material or *clearing* in waters of the U.S., including *wetlands*, in accordance with 33 USC Section 1344. [Ord. 06-0244 § 44.]

18.20.2465**Secure community transition facilities (SCTF).**

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary. [Ord. 02-0145 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1042).]

18.20.2470**Seismic hazard areas.**

“Seismic hazard areas” means areas in the city of Kenmore that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction. [Ord. 06-0244 § 10; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1045).]

18.20.2480**Self-service storage facility.**

“Self-service storage facility” means an establishment containing separate storage spaces that are leased or rented as individual units. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1050).]

18.20.2490**Sending site.**

“Sending site” means land capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1055).]

18.20.2500**Senior citizen.**

“Senior citizen” means a person aged 62 or older. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1060).]

18.20.2510**Reserved.**

[Ord. 03-0175 § 12; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1062).]

18.20.2520**Sensitive areas.**

“Sensitive areas” means any of those areas in the city of Kenmore which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Sensitive areas include coal mine hazard areas, erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams, volcanic hazard areas and wetlands. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1065).]

18.20.2524**Services, off-site.**

“Services, off-site” means establishments primarily engaged in providing individual or professional services at the customer’s home or place of business. Examples of off-site services include but are not limited to temporary employment services, janitorial services, and professional maid services. [Ord. 03-0175 § 6.]

18.20.2527**Services, on-site.**

“Services, on-site” means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, personal accountants, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and *miscellaneous repair*. [Ord. 03-0175 § 6.]

18.20.2530**Setback.**

“Setback” means the **minimum** required distance between a *structure* and a specified line such as a lot, easement or *buffer* line that is required to remain free of *structures*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1070).]

18.20.2540**Shelters for temporary placement.**

“Shelters for temporary placement” means housing units within the **city of Kenmore** that provide housing to persons on a temporary basis for a duration not to exceed four weeks. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1075).]

18.20.2550**Shooting range.**

“Shooting range” means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1080).]

18.20.2560**Sign.**

“Sign” means any device, *structure*, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1085).]

18.20.2570**Sign, awning.**

“Awning sign” means a *sign* painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1090).]

18.20.2580**Sign, changing message center.**

“Changing message center sign” means an electrically controlled *sign* that contains advertising messages which changes at intervals of three minutes or greater. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1095).]

18.20.2590**Sign, community bulletin board.**

“Community bulletin board sign” means a permanent *sign* used to notify the public of community events and public services, and which contains no commercial advertising. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1100).]

18.20.2600**Sign, directional.**

“Directional sign” means a *sign* designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1105).]

18.20.2610**Sign, freestanding.**

“Freestanding sign” means a *sign* standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any *building* or *fence*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1110).]

18.20.2620**Sign, fuel price.**

“Fuel price sign” means a *sign* utilized to advertise the price of gasoline and/or diesel fuel. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1115).]

18.20.2630**Sign, incidental.**

“Incidental sign” means a *sign*, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to *signs* designating:

- A. Restrooms;
- B. Hours of operation;
- C. Acceptable credit cards;
- D. Property ownership or management;
- E. Phone booths; and
- F. Recycling containers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1120).]

18.20.2640**Sign, indirectly illuminated.**

“Indirectly illuminated sign” means a *sign* that is illuminated entirely from an external artificial source. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1125).]

18.20.2650**Sign, monument.**

“Monument sign” means a *freestanding sign* that is above ground level and is anchored to the ground by a solid base, with no open space between the *sign* and the ground. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1130).]

18.20.2660**Sign, off-premises directional.**

“Off-premises directional sign” means a *sign* which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the *sign*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1135).]

18.20.2670**Sign, on-premises.**

“On-premises sign” means a *sign* which displays a message which is incidental to and directly associated with the *use* of the property on which it is located. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1140).]

18.20.2680**Sign, permanent residential development identification.**

“Permanent residential development identification sign” means a permanent *sign* identifying the residential *development* upon which the *sign* is located. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1145).]

18.20.2690**Sign, portable.**

“Portable sign” means a *sign* which is capable of being moved and is not permanently affixed to the ground, a *structure* or *building*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1150).]

18.20.2700**Sign, projecting.**

“Projecting sign” means any *sign* which is attached to and supported by the exterior wall of a *building* with the exposed face of the *sign* on a plane perpendicular to the wall of the *building*; projecting more than one foot from the wall of a *building* and vertical to the ground. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1155).]

18.20.2710**Sign, time and temperature.**

“Time and temperature sign” means an electrically controlled *sign* that contains messages for date, time, and temperature, which changes at intervals of one minute or less. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1160).]

18.20.2720**Sign, wall.**

“Wall sign” means any *sign* painted on, or attached directly to and supported by, a *building* or *structure*; with the exposed face of the *sign* on a plane parallel to the portion of the *building* or *structure* to which it is attached; projecting no more than one foot from the *building* or *structure*; including window *signs* which are permanently attached. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1165).]

18.20.2730**Significant tree.**

“Significant tree” means an existing healthy *tree* that is not a *hazard tree* (i.e., a *tree* that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

- A. Eight inches for *evergreen trees*; or
- B. Twelve inches for *deciduous trees*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1167).]

18.20.2740**Site.**

“Site” means a single *lot*, or two or more contiguous *lots* that are under common ownership or documented legal control, used as a single parcel for a *development proposal* in order to calculate compliance with the standards and regulations of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1170).]

18.20.2750**Site area.**

“Site area” means the total horizontal area of a project *site*, less the following:

A. Areas below the *ordinary high water mark*;

B. Areas which are required to be dedicated on the perimeter of a project *site* for public rights of way.

[Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1172).]

18.20.2760**Site cost per student.**

"Site cost per student" means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1175).]

18.20.2770**SITUS file.**

"SITUS file" means information on an individual parcel of land, including its size, known extent of existing development, known environmental constraints, approval conditions and other site specific information, contained in the computerized permitting and land parcel data base of the department of community development or its successor agencies. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1177).]

18.20.2780**Ski area.**

"Ski area" means an establishment for cross-country or downhill ski runs and including, but not limited to:

A. Chair lifts;

B. Warming huts; and

C. Supporting services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1180).]

18.20.2782**Social card game.**

"Social card game" is defined as set forth in RCW 9.46.0282, as now in effect or as may be subsequently amended or recodified. [Ord. 06-0243 § 1; Ord. 05-0237 § 2.]

18.20.2784**Social services, ~~correctional~~.**

"Social services, ~~correctional~~" means establishments or agencies offering social or rehabilitation services. Subcategories include:

"Social services, correctional" that offer offender rehabilitation, offender self-help, parole or probation services; and [Ord. 03-0175 § 6.]

18.20.2787**Social services, noncorrectional.**

"Social services, noncorrectional" means establishments that provide primarily engaged in providing social or rehabilitation services including, but not limited to, individual and family counseling, welfare, relief, referral, job training, or vocational services. "Social services, noncorrectional" includes social advocacy organizations. This definition excludes correctional social services. [Ord. 03-0175 § 6.]

18.20.2790**Soil recycling facility.**

"Soil recycling facility" means an establishment engaged in the collection, storage and treatment of contaminated soils to remove and re-use organic contaminants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1185).]

18.20.2800**Source separated organic material.**

"Source separated organic material" means vegetative material, scrap lumber or wood, or other materials that provide a source for recycled or composted products. This does not include chemically treated wood products and/or toxic organic substances. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1190).]

18.20.2810**Special use permit.**

“Special use permit” means a permit granted by the *city* to locate a *regional land use* at a particular location, subject to conditions placed on the proposed *use* to ensure compatibility with adjacent land uses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1195).]

18.20.2820**Specialized instruction school.**

“Specialized instruction school” means establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

- A. Art;
- B. Dance;
- C. Music;
- D. Cooking;
- E. Driving; and
- F. Pet obedience training. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1200).]

18.20.2822**Species.**

“Species” means any group of animals classified as a species or subspecies as commonly accepted by the scientific community. [Ord. 06-0244 § 45.]

18.20.2824**Species, endangered.**

“Species, endangered” means any fish or wildlife *species* that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species. [Ord. 06-0244 § 46.]

18.20.2826**Species, threatened.**

“Species, threatened” means any fish or wildlife *species* that is likely to become an *endangered species* within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species. [Ord. 06-0244 § 47.]

18.20.2830**Specified sexual activities.**

“Specified sexual activities” means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1205).]

18.20.2840**Sporting goods store.**

“Sporting goods store” means an establishment engaged in the retail sale of sporting goods and equipment, including only uses located in SIC Industry Nos.:

- A. 5941 — Sporting Goods Stores and Bicycle Shops; and
- B. 5999 — Tent Shops and Trophy Shops. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1210).]

18.20.2850**Sports club.**

“Sports club” means an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including only uses located in SIC Industry Nos.:

~~A. 7991 Physical Fitness Facilities; and~~
~~B. 7997 Membership Sports and Recreation Clubs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1215).]~~

18.20.2860**Stable.**

“Stable” means a *structure* or facility in which horses or other *livestock* are kept for:

- A. Boarding;
- B. Training;
- C. Riding lessons;
- D. Breeding;
- E. Rental; or
- F. Personal use. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1220).]

18.20.2870**Standard of service, school districts.**

“School districts standard of service” means the standard adopted by each *school district* which identifies the program year, the class size by *grade span* and taking into account the requirements of students with special needs, the number of *school classrooms*, the types of facilities the district believes will best serve its student population, and other factors as identified by the *school district*. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in *relocatable facilities* which are used as transitional facilities or for any specialized facilities housed in *relocatable facilities*. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the “necessary financial commitments” as defined in Chapter 18, ~~§545~~ KMC are in place to complete the permanent facilities called for in the capital plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1225).]

18.20.2875**Steep slope.**

“Steep slope” means a slope inclined at 40 percent or steeper and with a vertical relief of 10 or more feet, except those manmade slopes created under the design and inspection of a geotechnical engineer or slopes composed of competent bedrock. Both the top and the toe of the steep slope are defined as the points where the slope inclination becomes less than 40 percent.

The height of the steep slope is the vertical distance between the top and the toe of the steep slope area. The inclination of the steep slope shall be considered the average inclination of the entire steep slope area between the top and the toe of the steep slope area. [Ord. 06-0244 § 48.]

18.20.2880**Steep slope hazard areas.**

~~Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1230).]~~

18.20.2884**Storage, indoor.**

“Storage, indoor” means a *use* engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a *building*. Indoor storage *uses* typically are enclosed and provide supervised access to the storage areas within the *building*. The definition excludes *self-service storage*, warehousing and distribution. [Ord. 03-0175 § 6.]

18.20.2887**Storage, outdoor.**

“Storage, outdoor” means a *use* engaged in outdoor storage for more than 24 hours, wholesale, rental, and distribution of manufactured products, supplies, and equipment. This definition excludes hazardous material

storage, indoor storage, self-service storage, vehicle storage, and warehousing and wholesale trade. [Ord. 03-0175 § 6.]

18.20.2890

Stream functions.

“Stream functions” means natural processes performed by *streams* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1235).]

18.20.2900

Stream.

“Stream” means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031. Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Artificial drainage features with documented fish usage are regulated as streams. [Ord. 06-0244 § 11; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1240).]

18.20.2910

Street.

“Street” means a public or recorded *private* thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1245).]

18.20.2920

Street frontage.

“Street frontage” means any portion of a *lot* or combination of *lots* which directly abut a public right-of-way~~street~~. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1250).]

18.20.2925

Street tree.

~~17.~~ “Street tree” means trees located within the street right-of-way, adjacent to public or private streets, including undeveloped areas.

18.20.2930

Structure.

“Structure” means anything permanently constructed in or on the ground, or over the water; excluding fences ~~six~~six feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1255).]

18.20.2940

Student factor.

~~“Student factor” means the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or city wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1260).]~~

18.20.2945**Subdrainage basin or sub-basin.**

“Subdrainage basin” or “sub-basin” means the drainage area of the highest order *stream* containing the subject property impact area. “Stream order” is the term used to define the position of a *stream* in the hierarchy of tributaries in the watershed. The smallest *streams* are the highest order (first order) tributaries. These are the upper watershed *streams* and have no tributaries of their own. When two first order *streams* meet, they form a second order *stream*, and when two second order *streams* meet they become a third order *stream*, and so on. [Ord. 06-0244 § 49.]

18.20.2950**Submerged land.**

“Submerged land” means any land at or below the ordinary high water mark. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1265).]

18.20.2960**Substantial improvement.**

“Substantial improvement” means any maintenance, repair, structural modification, addition or other improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market value of the *structure* either before the maintenance, repair, modification or addition is started or before the damage occurred, if the *structure* has been damaged and is being restored. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1270).]

18.20.2965**Taxi stand.**

“Taxi stand” means a facility for pick-up and drop-off of taxi patrons, typically characterized by an area for queuing passengers and taxis. [Ord. 03-0175 § 6.]

18.20.2970**Theater.**

“Theater” means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1277).]

18.20.2980**Theatrical production services.**

“Theatrical production services” means an establishment **engaged in theatrical production** ~~located in SIC Industry No. 792—Theatrical Producers~~ (except ~~Motion Picture~~), ~~Bands~~, ~~Orchestras~~, and ~~Entertainers~~, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer *theaters*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1278).]

18.20.2990**Tightline sewer.**

“Tightline sewer” means a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1280).]

18.20.3000**Trails.**

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1285).]

18.20.3010**Transfer station.**

“Transfer station” means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1290).]

18.20.3020**Transit bus base.**

“Transit bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1295).]

18.20.3023**Transit center.**

“Transit center” means any facility designed for accommodating large numbers of public transportation passengers to wait, board, and disembark at the intersection of multiple transit routes. [Ord. 03-0175 § 6.]

18.20.3030**Transitional housing facilities.**

“Transitional housing facilities” means housing units within the city of Kenmore owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1305).]

18.20.3040**Transmission equipment.**

“Transmission equipment” means equipment, such as antennas and satellite, or point-to-point microwave dishes, that transmit or receive radio signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1310).]

18.20.3050**Transmission line booster station.**

“Transmission line booster station” means an establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1315).]

18.20.3060**Transmission support structure.**

“Transmission support structure” means a monopole or lattice-work structure tower specifically designed and intended to support antennas and related communication equipment. The term does not include monopoles or lattice-work towers supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1320).]

18.20.3065**Transmission support structure, alternative.**

A. “Alternative transmission support structures” shall mean the following manmade structures: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial buildings, commercial signs, billboards, multi-family buildings, and publicly used structures such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals; and other similar structures as approved by the director of community development city manager.

18.20.3067**Transmission support structure, guyed.**

E. “Guyed transmission support structure” ~~shall~~ means a *transmission support structure* that is supported, in whole or in part, by guy wire and ground anchors.

18.20.3070**Transmitter building.**

“Transmitter building” means a *building* used to contain communication *transmission equipment*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1325).]

18.20.3080**Transportation System Management (TSM).**

“Transportation System Management (TSM)” means low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1330).]

18.20.3082**Tree.**

19. “Tree” means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite *crown*, maturing at a height of at least 12 feet above ground level. The ~~city’s tree protection professional~~ *department* shall determine whether any specific woody plant shall be considered a tree.

18.20.3084**Tree, hazard.**

11. “Hazard tree” means any *tree* with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*.

18.20.3088**Tree, remove or removal.**

16. “Remove” or “removal” with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or any act which causes a *tree* to die within a period of three years from such act.

18.20.3090**Ultimate roadway section.**

“Ultimate roadway section” means a designation by the city of Kenmore that the maximum roadway or intersection capacity has been reached and further right of way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1335).]

18.20.3095**Unavoidable impact.**

“Unavoidable impact” means adverse impacts to a *critical area* that remain after all appropriate and practicable avoidance and minimization have been achieved. [Ord. 06-0244 § 50.]

18.20.3100**Urban Plan Development (UPD).**

“Urban Plan Development” means a site specific project consisting of conceptual site plan(s), development standards, processing and other elements. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1340).]

18.20.3110**Use.**

“Use” means activity or function carried out on an area of land, or in a *building* or *structure* located thereon. Any use subordinate or incidental to the primary use on a *site* is considered an *accessory use*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1345).]

18.20.3111**Uses, classified.**

“Uses, classified” means a use which appears in any list of permitted, conditional, accessory or prohibited uses in this title.

18.20.3112**Uses, permitted.**

“Uses, permitted” means land uses allowed outright within a zone. [Ord. 03-0175 § 6.]

18.20.3114**Uses, prohibited.**

“Uses, prohibited” means any land use not specifically enumerated or permitted as allowable in that district. [Ord. 03-0175 § 6.]

18.20.3117**Uses, unclassified.**

“Uses, unclassified” means a use which does not appear in any list of permitted, conditional, or accessory or prohibited uses in this title, but which is interpreted by the *director/city manager* as similar to a listed permitted, conditional, or accessory, or prohibited use and not otherwise prohibited. [Ord. 03-0175 § 6.]

18.20.3120**Utility facility.**

“Utility facility” means a facility for the distribution or transmission of services to an area; including, but not limited to:

- A. Telephone exchanges;
- B. Water pumping or treatment stations or distribution systems;
- C. *Electrical substations*;
- D. Water storage reservoirs or tanks;
- E. Municipal groundwater well-fields;
- F. *Regional stormwater management facilities*;
- G. Natural gas gate stations and limiting stations;
- H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users;
- I. Sewer lift stations and wastewater distribution systems; and
- J. Pipes, electrical wires and associated structural supports. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1350).]

18.20.3130**Vector waste.**

“Vector waste” means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1352).]

18.20.3140**Vector waste receiving facility.**

“Vector waste receiving facility” means a facility where *vector waste* is brought for treatment and storage prior to final disposal. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1353).]

18.20.3150**Variance.**

“Variance” means an adjustment in the application of standards of a zoning code to a particular property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1355).]

18.20.3155**Variety store.**

“Variety store” means an establishment engaged in retailing a variety of new general merchandise goods. Variety store does not include department store, but is a subcategory of “*department and variety store*”.

18.20.3160**Vegetation.**

“Vegetation” means any and all plant life growing at, below or above the soil surface. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1360).]

18.20.3170**Vocational school.**

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career, including only uses located in SIC Industry Group No. A. 824 — Vocational Schools; and B. 8222 — Technical Institutes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1365).]

18.20.3180**Volcanic hazard areas.**

“Volcanic hazard areas” means those areas in the city of Kenmore subject to inundation by mudflows, lahars or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric electron mudflow. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1370).]

18.20.3190**Warehousing and wholesale trade.**

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail and use in KMC 18.25.070. These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1375).]

18.20.3200**Wastewater treatment facility.**

“Wastewater treatment facility” means a plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1380).]

18.20.3210**Water budget.**

“Water budget” means the upper limit of irrigation water applied to the established landscape area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1382).]

18.20.3220**Water-dependent use.**

“Water-dependent use” means a use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include ship cargo terminal

loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; *marinas*, moorage, and *boat launching* facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls. [Ord. 06-0244 § 12; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1385).]

18.20.3225**Water resource inventory area (WRIA).**

“Water resource inventory area (WRIA)” means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a *stream* or *streams*, as established in Chapter 173-500 WAC as it existed on January 1, 1997. Kenmore is located in WRIA 8, Lake Washington/Cedar/Sammamish River. [Ord. 06-0244 § 51.]

18.20.3227**Weather protection.**

“Weather protection” means awnings, canopies, *arcades* or *marquees* which are permanently fixed to *buildings* and which cover the public sidewalks to provide protection from the weather for pedestrians. Weather protection should allow light and transparency into *ground floor uses*.

18.20.3230**Wet meadows, grazed.**

“Grazed wet meadows” means palustrine emergent wetlands typically having up to six inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed canary grass, spike rushes, bulrushes, sedges and rushes. During the growing season, the soil is often saturated but not covered with water. These meadows have been frequently used for livestock activities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1390).]

18.20.3240**Wetland edge.**

“Wetland edge” means the line delineating the outer edge of a *wetland*, consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in use on January 1, 1995 by the United States Army Corps of Engineers and the United States Environmental Protection Agency as implemented through, and consistent with the May 23, 1994 “Washington Regional Guidance on the 1987 Wetland Delineation Manual” document issued by the Corps of Engineers and the Environmental Protection Agency. When the state of Washington, Department of Ecology, adopts a manual as required pursuant to a new Section 11 of Engrossed Senate Bill 5776, *wetlands* regulated under development regulations shall be delineated pursuant to said manual. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1395).]

18.20.3250**Wetland, forested.**

“Forested wetland” means a *wetland* which is characterized by woody *vegetation* at least 20 feet tall. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1400).]

18.20.3260**Wetland functions.**

“Wetland functions” means natural processes performed by *wetlands* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and stormwater flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1405).]

18.20.3270**Wetland, isolated.**

"Isolated wetland" means a wetland which has a total size less than 2,500 square feet excluding buffers or, if within the urban area is less than 5,000 square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1410).]

18.20.3280**Wetlands.**

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of *vegetation* adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, *street*, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual (1997). [Ord. 06-0244 § 13; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1415).]

18.20.3290**Wetpond.**

"Wetpond" means an artificial water body constructed as a part of a surface water management system. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1420).]

18.20.3300**Wildlife shelter.**

"Wildlife shelter" means a facility for the temporary housing of sick, wounded or displaced wildlife. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1425).]

18.20.3305**Wind-firm.**

"Wind-firm" means a tree which is capable of withstanding windstorms. [Ord. 09-0295 § 1; Ord. 04-0214 § 2.]

18.20.3307**Wireless services.**

"Wireless services" shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. [Ord. 05-0228 § 4.]

18.20.3310**Work release facility.**

"Work release facility" means a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1430).]

18.20.3320**Wrecked, dismantled or inoperative vehicle.**

"Wrecked, dismantled or inoperative vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor and is certified by the department of community development as meeting at least three of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- C. Is apparently inoperable;
- D. Has an approximate fair market value equal only to the approximate value of the scrap in it. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1432).]

18.20.3330**Yard or organic waste processing facility.**

“Yard or organic waste processing facility” means a site where processing yard and garden wastes, including wood and land-clearing debris, are processed into new products such as soil amendments and wood chips. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1435).]

18.20.3340**Zoo animal breeding facility.**

“Zoo animal breeding facility” means a nonprofit farm which is owned by an American Zoo and Aquarium Association (AZA) accredited zoo, is accredited by the AZA and is operated in conformance with all licensing requirements of the United States Department of Agriculture for the purposes of long term species survival, propagation, conservation, research, and husbandry of native and exotic wildlife and for training zoo professionals, biologists, veterinarians and other zoo related researchers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1440).]

Chapter 18.25**PERMITTED USES RESIDENTIAL ZONES**

Sections:

- 18.25.010 Establishment of uses.
- 18.25.020 Interpretation of land use tables.
- 18.25.030 Residential land uses.
- 18.25.040 Recreational/cultural land uses.
- 18.25.050 General services land uses.
- 18.25.060 Government/business services land uses.
- 18.25.070 Retail land uses.
- 18.25.080 Manufacturing land uses.
- 18.25.090 Resource land uses.
- 18.25.100 Regional land uses.
- 18.25.110 Regional business zone Existing legal uses.
- 18.21.020 Residential zones R1, R4 and R6 – Use allowances.
- 18.20.21.030 Densities and dimensions Residential zones Zoning standards.
- 18.21.040 Residential zones R12, R18, R24, and R48 – Use allowances.
- 18.30.030 21.050 Densities and dimensions Residential zones Zoning standards.
- 18.30.210 21.060 Nonresidential land uses in residential zones.
- 18.30.220 21.070 Personal services and retail uses in R-4 through R-48 zones.

18.25.010**Establishment of uses.**

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.75 KMC. All applicable

requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city of Kenmore. [Ord. 98-0026 §§ 1, 2 (KCC 21A.08.010).]

18.25.020**Interpretation of land use tables.**

A. The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 18.95 KMC and the general requirements of the code.

D. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 18.95 KMC and the general requirements of the code.

E. If the letter "S" appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in Chapter 18.95 KMC and the general requirements of the code.

F. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

G. If more than one letter number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitations or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

H. All applicable requirements shall govern a use whether or not they are cross referenced in a section. [Ord. 98-0026 §§ 1, 2 (KCC 21A.08.020).]

18.25.030**Residential land uses.**

A.

KEY		RESIDENTIAL		COMMERCIAL	
P	Permitted Use	U-R		N-B	R-B
C	Conditional Use	R-E		E-U	E-U
S	Special Use	B-S		I-S	G-S
		A-I		G-I	I-I
		N-D		H-N	O-N
		E		B-E	N-E
		N		O-S	A-S
		T		R-S	L-S
		I		H	
		A		O	
		L		O	
				D	
SIC #	SPECIFIC LAND USE	R 1-6	R 12-48	NB	RB
	DWELLING UNITS, TYPES:				
#	Single-Detached	p C13	p C13		

ATTACHMENT 2

DRAFT
5/23/11

KEY		NON-RESIDENTIAL	RESIDENTIAL		COMMERCIAL	
P-Permitted Use	C-Conditional Use		U-R R-E B-S A-I N-D E N T I A L		N-B E-U I-S C-I H-N B-E O-S R-S H O O D	R-B E-U C-S I-I O-N N-E A-S L-S
SIC	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
	Townhouse		P C12	P	P3	P3
	Apartment		P5 C4	P	P3	P3
	Designated Manufactured Home		P C13	P C13		
	Mobile Home and Manufactured Home		P2	P2		
	Mobile Home Park		C8	P		
	GROUP RESIDENCES:					
	Community Residential Facility-I		C	P	P3	P3
	Community Residential Facility-II			P	P3	P3
	Dormitory		C6	P		
	Senior Citizen Assisted Housing		P4	P	P3	P3
	ACCESSORY USES:					
	Residential Accessory Uses		P7	P7	P7	P7
	Home Occupation		P	P	P	P
	Home Industry		C			
	TEMPORARY LODGING:					
7011	Hotel/Motel (1)					P
	Bed and Breakfast Guesthouse (15)		P10	P10	P10	P11
7041	Organization Hotel/Lodging Houses					P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.						

B. Development Conditions;

1. Except bed and breakfast guesthouses;
2. Manufactured homes and mobile homes are only allowed in mobile home parks.
3. Only as part of a mixed use development subject to the conditions of Chapter 18.35 KMC, except

that:

a. In the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand alone townhouse developments are permitted subject to KMC 18.30.040, 18.35.030, 18.35.050 and 18.35.170;

b. In the RB zone, stand alone townhouse or stand alone apartment developments with a base density no greater than 18 dwelling units per acre may be permitted; provided, the director finds that the applicant's property contains environmental and/or access constraints that significantly hinder commercial development; and further provided, that adequate access meeting city standards is available from other public roads. The development standards for the R18 zone found in KMC 18.30.030 shall be applicable to these developments;

4. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC;

5. Only subject to the residential density incentive provisions of Chapter 18.80 KMC;

6. Only as an accessory to a school, college, university or church;

7.a. Accessory dwelling units;

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right of way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

8. Mobile home parks shall not be permitted in the R-1 zones.

9. Reserved.

10. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R-1 occupancies may accommodate up to 10 persons per night.

11. Only if part of a mixed use development, and subject to the conditions of subsection (B)(10) of this section.

12. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units.

13. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(7) of this section.

14. Reserved.

15. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals served to paying guests shall be limited to breakfast;

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. At least one off-street parking stall shall be provided for each guestroom and one additional stall for each employee or worker; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0272 § 2; Ord. 07-0267 §§ 1, 2, 11; Ord. 03-0179 § 1; Ord. 03-0175 § 14; Ord. 99-0052 §§ 4, 5; Ord. 98-0026 §§ 1, 2, 14 (KCC 21A.08.030).]

18.25.040

Recreational/cultural land uses.

A.

KEY		RESIDENTIAL		COMMERCIAL	
P-Permitted Use C-Conditional Use S-Special Use	Z O N E	U-R		N-B	R-B
		R-E		E-U	E-U
		B-S		I-S	G-S
		A-I		G-I	I-I
		N-D		H-N	O-N
		E		B-E	N-E
		N		O-S	A-S
		T		R-S	L-S
		I		H	
		A		O	
		L		O	
				D	

ATTACHMENT 2

DRAFT
5/23/11

SIC #	SPECIFIC LAND USE	R 1-6	R 12-48	NB	RB
	PARK/RECREATION:				
	Park	P1	P1	P	P
	Trails	P	P	P	P
	Campgrounds				
	Destination Resorts				C
	Marina	C4	C4	P5	P
	Recreational Vehicle Park				
	Sports Club (17)	C4	C4	C	P
	Ski Area				
	AMUSEMENT/ENTERTAINMENT:				
	Adult Entertainment Business				P6
	Theater				P
7833	Theater, Drive-in				C
793	Bowling Center				P
	Golf Facility	P7	P7		
7999 (14) (12)	Amusement and Recreation Services	P8 C15 12	P8 C15 12		P12
	Shooting Range				C10
	Amusement Arcades				P
7996	Amusement Park				C
	Outdoor Performance Center				C
	CULTURAL:				
823	Library	P11 C	P11 C	P	P
841	Museum	P11 C	P11 C	P	P
842	Arboretum	P	P	P	P

KEY		RESIDENTIAL		COMMERCIAL	
P-Permitted Use		U-R		N-B	R-B
C-Conditional Use		R-E		E-U	E-U
S-Special Use		B-S		I-S	G-S
		A-I		G-I	I-I
		N-D		H-N	O-N
		E		B-E	N-E
		N		O-S	A-S
		T		R-S	L-S
		I		H	
		A		O	
		L		O	
				D	
SIC #	SPECIFIC LAND USE	R 1-6	R 12-48	NB	RB
18	Conference Center	P11 C	P11 C	p	p
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC					

B. Development Conditions:**1. The following conditions and limitations shall apply, where appropriate:**

- No stadiums on sites less than 10 acres;
- Lighting for structures and fields shall be directed away from residential areas;
- Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in KMC 18.35.170 and 18.35.180. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with KMC 18.30.030;

d. Facilities in the A zones, or in a designated rural forest focus area, shall be limited to trails and trailheads and active recreation facilities, including related accessory uses such as parking and sanitary facilities. Active recreation facilities shall be limited to those properties within the agricultural production district (APD) that are acquired before designation of the APD, using voter approved recreation funds, state funds mandated for recreation funds or King County board of recreation funds. Active recreation uses allowed on parcels as noted in this subsection may be transferred to other parcels within the same APD. However, active recreation from lands outside of the APD shall not be relocated to any parcel within an APD. Where those facilities are permitted within an APD, the following deed restrictions shall be applied:

(1) Active recreation uses shall be designed in a manner that visually screens adjacent agricultural uses from park users and that restricts physical trespass onto adjacent agricultural production district properties;

(2) Buildings associated with recreational uses shall be limited to restroom facilities, picnic shelters and storage/maintenance facilities for equipment used onsite;

(3) No use that permanently compacts, removes, sterilizes, pollutes or otherwise materially impairs the future use of the soil for raising agricultural crops shall be allowed;

(4) Any soil surfaces temporarily disturbed through construction activities shall be restored in a manner consistent with agricultural uses, including restoration of the original soil horizon sequence, as soon as practical following the disturbance;

(5) Access to recreational uses shall be designed to minimize impact on the surrounding agricultural production district and should be limited to direct access along district boundaries whenever feasible; and

(6) Although the recreational use of agricultural production district properties may be long term, the use shall be recognized as an interim use of the production district's prime agricultural soils. As such, any acquisition funding or policy restrictions for the recreational use of the property shall be viewed as subordinate to the city's prior commitment to the preservation of prime agricultural soils and the viability of local agricultural production. If the city declares through action of the city council a critical shortage of agricultural soils to accommodate an active soil dependent agricultural proposal, the city shall initiate a process to relocate any recreational uses off the subject property and to make the property available for re-establishment of agricultural activities; and

e. Overnight camping is allowed only in an approved campground.

2. Reserved.

3. Reserved.

4. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

5. Limited to day moorage.

6. It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 330 feet, measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels containing the use in this subsection, without regard to intervening structures or objects, if any:

a. Residentially zoned property;

b. Public or private school for general education of any grade K through 12;

c. School bus stop;

d. Licensed daycare or licensed preschool facility;

e. Public park;

f. Publicly dedicated trail; provided, however, that the setback distance shall apply only on the south side of the Burke Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. Church, synagogue, temple, mosque, or other house of religious worship;

j. Public library.

It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 500 feet of another adult entertainment business, measured from the property line of the parcel or parcels containing the adult entertainment business and the proposed adult entertainment business.

"Adult entertainment business" shall mean a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title 5.

7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development.

8. Limited to a golf driving range as an accessory to golf courses.

9. Reserved.

10.a. Only in an enclosed building, and subject to the licensing provisions of KMC Title 5;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) Installing ventilation systems that provide sufficient clean air in the user's breathing zone; and

(2) Adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a city of Kenmore landmark subject to Chapter 18.75 KMC.

12. Social card games, as defined by this title, are prohibited.

13. Reserved.

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

15. Limited to golf driving ranges and subject to subsection (B)(7) of this section.

16. Reserved.

17. Only for stand alone sports clubs that are not part of a park.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 12; Ord. 07-0256 §§ 2, 3; Ord. 06-0243 § 1; Ord. 05-0237 §§ 5, 6; Ord. 03-0175 § 14; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.040).]

18.25.050

General services land uses.

A.

KEY		ZONING	RESIDENTIAL		COMMERCIAL	
P-Permitted Use	C-Conditional Use		U-R R-E B-S A-I N-D E N T I A L	N-B E-U I-S G-I H-N B-E O-S R-S H O D	R-B E-U G-S I-I O-N N-E A-S L-S	
S-Special Use						

SIC #	SPECIFIC LAND USE	R 1-6	R 12-48	NB	RB
	PERSONAL SERVICES:				
72	General Personal Service	C26	C26	P	P
7216	Drycleaning Plants				
7218	Industrial Launderers				
7264	Funeral Home/Crematory	C4	C4		P
8	Cemetery, Columbarium or Mausoleum	P25 C5	P25 C5	P25	P25 C5
8	Day Care-I	P6	P	P	P
8	Day Care-II	P8 C	P8 C	P	P

ATTACHMENT 2

DRAFT
5/23/11

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
P-Permitted Use C-Conditional Use S-Special Use			U R R E B S A I N D E N T I A L		N B E U I S G I H N B E O S R S H O O D	R B E U G S I I O N N E A S L S
SIC #	SPECIFIC LAND-USE		R 1-6	R 12-48	NB	RB
974	Veterinary Clinic				P10	P10
753	Automotive Repair (1)				P11	P
754	Automotive Service				P11	P
76	Miscellaneous Repair					P
866	Churches, Synagogue, Temple		P12 C	P12 C	P	P
83	Social Services (2)		P12 C13	P12 C13	P13	P
*	Stable		P14 C			
*	Kennel or Cattery					P
*	Theatrical Production Services					P31
*	Artist Studios		P29	P29	P	P
*	Interim Recycling Facility		P22	P22	P23	P
	HEALTH SERVICES:					
801-04	Office/Outpatient Clinic		P12 C13	P12 C13	P	P
805	Nursing and Personal Care Facilities			C		P
806	Hospital		C13	C13		P
807	Medical/Dental Lab					P
808-09	Miscellaneous Health					P
	EDUCATION SERVICES:					

ATTACHMENT 2

DRAFT
5/23/11

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
P-Permitted Use			U R B A N D E N T I A L		N B E U I S G I H N B E O S R S H O O D	R B E U G S I I O N E A S L S
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
*	Elementary School		P	P		
*	Middle/Junior High School		P	P		
*	Secondary or High School		P27	P27		C
*	Vocational School		P13 C	P13 C		P
*	Specialized Instruction School		P19 C20	P19 C20	P	P
*	School District Support Facility		P24 C	P24 C	C	P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.						

B. Development Conditions:

1. Except SIC Industry No. 7534—Tire Retreading, see manufacturing permitted use table.
2. Except SIC Industry Group Nos.:
 - a. 835—Day Care Services, and
 - b. 836—Residential Care, which is otherwise provided for on the residential permitted land use table;
3. Reserved.
4. Only as an accessory to a cemetery.
5. Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones;
6. Only as an accessory to residential use, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
7. Reserved.

8. Only as a re-use of a public school facility subject to Chapter 18.75 KMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:
- a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial street shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding development.
9. Reserved.
- 10.a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight foot solid wall and surfaced with concrete or other impervious material; and
 - c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532—Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed.
12. Only as a re-use of a public school facility subject to Chapter 18.75 KMC;
13. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.75 KMC;
14. Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.
15. Reserved.
16. Reserved.
17. Reserved.
18. Reserved.
19. Only as an accessory to residential use, and:
- a. Students shall be limited to 12 per one hour session;
 - b. All instruction must be within an enclosed structure; and
 - c. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
20. Subject to the following:
- a. Structures used for the school and accessory uses shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On lots over two and one half acres:
 - (1) Retail sales of items related to the instructional courses is permitted, if total floor area for retail sales is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with department of public health and Seattle and King County approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school; and
 - (3) Other incidental student supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and
 - c. On sites over 10 acres, located in a designated rural town and zoned R-1, and/or R-4:
 - (1) Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with department of public health and Seattle and King County approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same structure as the school;
 - (3) Other incidental student supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;
 - (4) The use shall be integrated with allowable agricultural uses on the site;
 - (5) Advertised special events shall comply with the temporary use requirements of this chapter;
- and

(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the development condition in this subsection (B)(20)(c) and this title.

21. Reserved.

22. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

23. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

24. Only if adjacent to an existing or proposed school.

25. Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

26. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.30.220.

27.a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in KMC 18.95.110.

b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

28. Reserved.

29. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.75 KMC or as a joint use of an existing public school facility.

30. Reserved.

31. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 13; Ord. 03-0175 § 14; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.050).]

18.25.060

Government/business services land uses.

A.

KEY		RESIDENTIAL		COMMERCIAL	
P	Permitted Use	U	R	N	B
C	Conditional Use	R	E	E	U
S	Special Use	B	S	I	S
		A	I	G	I
		N	D	H	N
		E		B	E
		N		O	S
		T		R	S
		I		H	
		A		O	
		L		O	
				D	
SIC #	SPECIFIC LAND USE	R	R	NB	RB
		1-6	12-48		
	GOVERNMENT SERVICES:				
	Public Agency or Utility Office	p3	p3	p	p
		C	C		

ATTACHMENT 2

DRAFT
5/23/11

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
P-Permitted Use C-Conditional Use S-Special Use			U-R R-E B-S A-I N-D E N T I A L	N-B E-U I-S C-I H-N B-E O-S R-S H O D	R-B E-U G-S I-I O-N N-E A-S L-S	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
	Public Agency or Utility Yard		P27	P27		P
	Public Agency Archives					P
924	Court					P
9224	Police Facility		P7	P7	P7	P
9224	Fire Facility		C6	C6	P	P
	Utility Facility		P29 C28	P29 C28	P	P
	Commuter Parking Lot		C, P19	C, P19	P	P
	Private Stormwater Management Facility		P8	P8	P8	P8
	Vector Waste Receiving Facility		P18	P18	P31	P31
	BUSINESS SERVICES:					
	Construction and Trade			P32		P
	Individual Transportation and Taxi					P
424	Trucking and Courier Service					P12
	Warehousing (1) and Wholesale Trade					
	Self-Service Storage			C14		P
4224 4222	Farm Product Warehousing, Refrigeration and Storage					
	Log Storage					
47	Transportation Service					
473	Freight and Cargo Service					P

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
P-Permitted Use C-Conditional Use S-Special Use			U-R R-E B-S A-I N-D E N T I A L		N-B E-U I-S G-I H-N B-E O-S R-S H O O D	R-B E-U G-S I-I O-N N-E A-S L-S
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
472	Passenger Transportation Service					p
48	Communication Offices					p
482	Telegraph and Other Communications					p
*	General Business Service				p	p
*	Professional Office			p32	p	p
7312	Outdoor Advertising Service					p
735	Miscellaneous Equipment Rental					p
754	Automotive Rental and Leasing					p
752	Automotive Parking		p19	p19	p20	p21
7941	Professional Sport Teams/Promoters					p
873	Research, Development and Testing					p2
*	Heavy Equipment and Truck Repair					
	ACCESSORY USES:					
*	Commercial/Industrial Accessory Uses				p22	p
*	Helistop		C23	C23	C23	C24
GENERAL CROSS REFERENCES:						
Land Use Table Instructions, see KMC 18.10.070 and 18.25.020;						
Development Standards, see Chapters 18.30 through 18.70 KMC;						
General Provisions, see Chapters 18.75 through 18.80 KMC;						
Application and Review Procedures, see Chapters 18.85 through 18.105 KMC;						
(*) Definition of this specific land use, see Chapter 18.20 KMC;						

B. Development Conditions:

1. Except self-service storage;
2. Except SIC Industry No. 8732—Commercial Economic, Sociological, and Educational Research, see general business service/office;
- 3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.75 KMC; or
- b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area;
4. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.75 KMC;
5. Reserved;
- 6.a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
- c. No outdoor storage; and
7. Limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the NB zone); or
 - c. Long-term storage of stolen properties;
8. Except in commercial/industrial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same lot that they are designed to serve except in subdivisions that set aside a separate tract for such facilities. In commercial/industrial zones or shared facilities, such facilities which are not located on the lot they are designed to serve shall be located on a lot with the same or more intensive zoning designation.
9. Reserved;
10. Reserved;
11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station;
12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215—Courier Services, except by air;
13. Reserved;
14. Accessory to an apartment development of at least 12 units provided:
 - a. The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
 - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - c. The use of the facility shall be limited to dead storage of household goods;
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - f. No residential occupancy of the storage units;
 - g. No business activity other than the rental of storage units; and
 - h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval;
15. Reserved;
16. Reserved;
17. Reserved;
18. Only as an accessory use to a public agency or utility yard, or to a transfer station;
19. Limited to commuter parking facilities for users of transit, carpools or ride-share programs; provided:
 - a. They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
 - b. The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department of public works;

20. No tow in lots for damaged, abandoned or otherwise impounded vehicles.
21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.
22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility.
24. Allowed as accessory to an allowed use.
25. Limited to private road ambulance services with no outside storage of vehicles.
26. Reserved.
- 27.a. Utility yards only on sites with utility district offices; or
- b. Public agency yards are limited to material storage for road maintenance facilities.
28. Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
29. Excluding bulk gas storage tanks.
30. Reserved.
31. Vector waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
32. Permitted when:
- a. Located in the R-24 zone; and
- b. On a site in professional office or construction and trade office uses as of May 8, 2003; and
- c. Part of a mixed use development; and
- d. Limited to 15,000 square feet; and
- e. No outdoor storage of equipment occurs.
- C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 14; Ord. 03-0175 §§ 14, 15, 16; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.060).]

18.25.070**Retail land uses.**

A.

KEY		RESIDENTIAL		COMMERCIAL	
P	Permitted Use	U	R	N	B
C	Conditional Use	R	E	E	U
S	Special Use	B	S	I	S
		A	I	G	I
		N	D	H	N
		E		B	E
		N		O	S
		T		R	S
		I		H	
		A		O	
		L		O	
				D	
SIC #	SPECIFIC LAND USE	R	R	NB	RB
		1-6	12-48		
	Building, Hardware and Garden Materials			P2	P
	Forest Products Sales				P
	Department and Variety Stores	C14	C14	P5	P

ATTACHMENT 2

DRAFT
5/23/11

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
			U R B A N D E N T I A L	N E U T R A L H O U S I N G	R E U S E D C O M M E R C I A L	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
54	Food Stores		C15	C15	p	p
█	Agricultural Product Sales		p3			
█	Motor Vehicle and Boat Dealers					p8
552	Auto Supply Stores					p9
554	Gasoline Service Stations				p	p
56	Apparel and Accessory Stores					p
█	Furniture and Home Furnishings Stores					p
58	Eating and Drinking Places		C16 21	C16 21	p10 21	p21
█	Drug Stores		C15	C15	p	p
592	Liquor Stores					p
593	Used Goods: Antiques/Secondhand Shops					p
█	Sporting Goods and Related Stores					p
█	Book, Stationery, Video & Art Supply Stores		C15	C15	p	p
█	Jewelry Stores					p
█	Monuments, Tombstones, and Gravestones					p
█	Hobby, Toy, Game Shops				p	p
█	Photographic and Electronic Shops				p	p
█	Fabric Shops					p
598	Fuel Dealers					p

KEY		ZONING	RESIDENTIAL		COMMERCIAL	
P	Permitted Use		U-R R-E B-S A-I N-D E N T I A L		N-B E-U I-S C-I H-N B-E O-S R-S H O O D	R-B E-U G-S I-I O-N N-E A-S L-S
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
15	Florist Shops		C15	C15	P	P
15	Personal Medical Supply Stores					P
15	Pet Shops				P	P
15	Bulk Retail					P
15	Auction Houses					P12
15	Livestock Sales		P17, 18			
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.						

B. Development Conditions:

1. Reserved.
2. Only hardware and garden materials stores shall be permitted.
3. a. Limited to products produced on site.
b. Covered sales areas shall not exceed a total area of 500 square feet.
4. Reserved.
5. Limited to SIC Industry No. 5331, Variety Stores, and further limited to a maximum of 2,000 square feet of gross floor area.
6. Reserved.
7. Reserved.
8. Excluding retail sale of trucks exceeding one ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
10. Excluding SIC Industry No. 5813 — Drinking Places.
11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. Reserved.
14. Not in R-1 and limited to SIC Industry No. 5331 — Variety Stores, limited to a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.30.220.
15. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.220.

16. Not permitted in R-1 and excluding SIC Industry No. 5813 — Drinking Places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.220.

17. Retail sale of livestock is permitted only as accessory to raising livestock.

18. Limited to the R-1 zone.

19. Reserved.

20. Reserved.

21. Social card games, as defined by this title, are prohibited.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 15; Ord. 06-0243 § 1; Ord. 05-0237 §§ 3, 4; Ord. 03-0189 § 1; Ord. 03-0175 § 14; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.070).]

18.25.080

Manufacturing land uses.

A.

KEY P-Permitted Use C-Conditional Use S-Special Use		ZONE	RESIDENTIAL		COMMERCIAL	
			U-R R-E B-S A-I N-D E N T I A L	N-B E-U I-S G-I H-N B-E O-S R-S H O Q D	R-B E-U G-S I-I O-N N-E A-S L-S	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
20	Food and Kindred Products					C
2082 2084	Winery/Brewery					C
22	Textile Mill Products					
23	Apparel and Other Textile Products					C
24	Wood Products, Except Furniture					C6
25	Furniture and Fixtures					C
26	Paper and Allied Products					
27	Printing and Publishing				P7	P7 C
28	Chemicals and Allied Products					
2911	Petroleum Refining and Related Industries					
30	Rubber and Misc. Plastics Products					

ATTACHMENT 2

DRAFT
5/23/11

KEY P-Permitted Use C-Conditional Use S-Special Use		ZONING	RESIDENTIAL		COMMERCIAL	
			UR RE BS AI ND E N T I A L	NB EU IS CI HN BE OS RS HO OD	RB EU GS II ON NE AS LS	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
31	Leather and Leather Goods					C
32	Stone, Clay, Glass and Concrete Products					pg
33	Primary Metal Industries					
34	Fabricated Metal Products					
35	Industrial and Commercial Machinery					
351-55	Heavy Machinery and Equipment					
357	Computer and Office Equipment					C
36	Electronic and Other Electric Equipment					C
374	Railroad Equipment					
376	Guided Missile and Space Vehicle Parts					
379	Miscellaneous Transportation Vehicles					
38	Measuring and Controlling Instruments					C
39	Miscellaneous Light Manufacturing					pg C2
38	Motor Vehicle and Bicycle Manufacturing					
38	Aircraft, Ship and Boat Building					
7534	Tire Retreading					C
781-82	Movie Production/Distribution					P

KEY		ZONING	RESIDENTIAL		COMMERCIAL	
P-Permitted Use			U-R		N-B	R-B
C-Conditional Use			R-E		E-U	E-U
S-Special Use			B-S		I-S	G-S
			A-I		G-I	I-I
			N-D		H-N	O-N
			E		B-E	N-E
			N		O-S	A-S
			T		R-S	L-S
			I		H	
			A		O	
			L		O	
					D	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.						

B. Development Conditions:

1. Reserved.
2. Existing light manufacturing uses are permitted as "existing legal." New light manufacturing uses require a conditional use permit.
3. Reserved.
4. Reserved.
5. Reserved.
6. Limited to uses found in SIC Industry No. 2434 — Wood Kitchen Cabinets and No. 2431 — Millwork (excluding planing mills).
7. Limited to photocopying and printing services offered to the general public.
8. Only within enclosed buildings, and as an accessory use to retail sales.
9. Only within enclosed buildings.
10. Reserved.
11. Reserved.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 16; Ord. 03-0175 § 14; Ord. 98-0026 §§ 1, 2 (KCC § 21A.08.080).]

18.25.090**Resource land uses:****A.**

KEY			RESIDENTIAL		COMMERCIAL	
P-Permitted Use			U-R		N-B	R-B
C-Conditional Use			R-E		E-U	E-U
S-Special Use			B-S		I-S	G-S

ATTACHMENT 2

DRAFT
5/23/11

		Z O N E	A I N D E N T I F I C A T I O N	C I H N B E O S R S H O O D	I I O N N E A S L S
SIC #	SPECIFIC LAND-USE	R 1-6	R 12-48	NB	RB
	AGRICULTURE:				
01	Growing and Harvesting Crops	P			
02	Raising Livestock and Small Animals	P6			
*	Agriculture Training Facility				
	FORESTRY:				
08	Growing & Harvesting Forest Product	P			
*	Forest Research				
	FISH AND WILDLIFE MANAGEMENT:				
0924	Hatchery/Fish Preserve (1)	C			
0273	Aquaculture (1)	C			
*	Wildlife Shelters				
	MINERAL:				
10,12, 14	Mineral Extraction and Processing				
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block				
	ACCESSORY USES:				
*	Resource Accessory Uses				
GENERAL CROSS REFERENCES: Land-Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.					

B. Development Conditions:

1. May be further subject to KMC Title 16, Shoreline Management.
2. Reserved.
3. Reserved.

4. Reserved.
5. Reserved.
6. Large livestock allowed in accordance with Chapter 18.70 KMC.
7. Reserved.
8. Reserved.
9. Reserved.
10. Reserved.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 17; Ord. 03-0175 § 14; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.090).]

18.25.100**Regional land uses.****A.**

KEY		RESIDENTIAL		COMMERCIAL	
P	Permitted Use	U R		N B	R B
C	Conditional Use	R E		E U	E U
S	Special Use	B S		I S	G S
		A I		C I	I I
		N D		H N	O N
		E		B E	N E
		N		O S	A S
		T		R S	L S
		I		H	
		A		O	
		L		O	
				D	
SIC #	SPECIFIC LAND USE	R 1-6	R 12-48	NB	RB
10	Jail	S	S	S	S
10	Jail Farm/Camp				
10	Work Release Facility	S	S	S	S
10	Public Agency Animal Control Facility				S
10	Public Agency Training Facility				SS
10	Hydroelectric Generation Facility	C14 S			
10	Nonhydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S
10	Communication Facility (17)	C6e S	C6e S	C6e S	P
10	Earth Station	C6a S	C6a S	P6b C	P
13	Oil and Gas Extraction	S	S	S	S

ATTACHMENT 2

DRAFT
5/23/11

KEY		Z O N E	RESIDENTIAL		COMMERCIAL	
			U R R E B S A I N D E N T I A L		N B E U I S C I H N B E O S R S H O O D	R B E U G S I I O N N E A S L S
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
*	Energy Resource Recovery Facility		S	S	S	S
*	Soil Recycling Facility					
*	Landfill		S	S	S	S
*	Transfer Station		S	S	S	S
*	Wastewater Treatment Facility		S	S	S	S
*	Municipal Water Production		S	S	S	S
*	Airport/Heliport		S	S	S	S
*	Transit Bus Base		S	S	S	S
*	School Bus Base		C P5 S	C S	S	S
7948	Racetrack		S8	S8	S8	S8
*	Fairground					S
8422	Zoo/Wildlife Exhibit (2)		S	S		S
7941	Stadium/Arena					S
8221 8222	College/University (1)		P10 C11 S	P10 C11 S	P10 C11 S	P
*	Zoo Animal Breeding Facility					
	Secure Community Transition Facilities				S18	S18

KEY P-Permitted Use C-Conditional Use S-Special Use		Z O N E	RESIDENTIAL		COMMERCIAL	
			U-R R-E B-S A-I N-D E N T I A L	N-B E-U I-S C-I H-N B-E O-S R-S H O O D	R-B E-U G-S I-I O-N N-E A-S L-S	
SIC #	SPECIFIC LAND USE		R 1-6	R 12-48	NB	RB
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.						

B. Development Conditions:

1. Except technical institutions. See vocational schools on general services land use table, KMC 18.25.050.
2. Except arboretum. See KMC 18.25.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Reserved.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennas.
- b. Limited to one satellite dish antenna.
- c. Limited to tower consolidations.
7. Reserved.
8. Except racing of motorized vehicles.
9. Reserved.
10. Only as a re-use of a public school facility subject to Chapter 18.75 KMC.
11. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.75 KMC.
12. Limited to cogeneration facilities for on-site use only.
13. Reserved.
14. Limited to facilities that comply with the following:
 - a. Any new diversion structure shall not:
 - (1) Exceed a height of eight feet as measured from the streambed; or
 - (2) Impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) Right of way of five miles or less; and
 - (2) Capacity of 230 KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.
15. Reserved.
16. Reserved.

17. The following provisions of the table apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in Chapter 18.60 KMC.

18. SCTF Siting. Secure community treatment facilities as defined in RCW 71.09.020 are permitted by special use permit in the following commercial zones: neighborhood business, community business, regional business, and office, subject to the following restrictions:

a. Maximum Number of Residents. No SCTF shall house more than three persons, excluding resident staff.

b. Siting Criteria.

(1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the city limits:

(A) In or within 250 feet of any residential zone district, including urban residential, or any other residentially zoned property;

(B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; churches, synagogues, temples and mosques; and public libraries.

(C) One mile from any existing SCTF, work release, prerelease, or similar facility.

(3) The distances specified in subsection (B)(18)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On Site Facilities Required. Each SCTF shall provide on site dining, on site laundry or laundry service, and on site recreational facilities to serve the residents.

d. Special Use Permit Application Process. A special use permit application for an SCTF shall be accompanied by the following:

(1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 18; Ord. 03-0175 § 14; Ord. 02-0145 §§ 1, 4; Ord. 98-0026 §§ 1, 2 (KCC 21A.08.100).]

~~18.25.110 Regional business zone Existing legal uses.~~

~~A. Regional Business Zone Existing Legal Uses.~~

Specific Land Use	RB
-------------------------------------	----------------------

Specific Land Use	RB
Existing legal uses as of May 8, 2003, which are not otherwise allowed as a permitted use, conditional use, or special use in KMC 18.25.030(A) to 18.25.100(A), or a P-suffix or special overlay district pursuant to Chapter 18.82 KMC.	P

(Ord. 03-0175 § 13.)

18.21.020

Residential zones R1, R4 and R6 – Use allowances.

The following *uses* in Table A are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R1, R4 and R6.

Table A. Residential Zone Use Allowances, R1, R4 and R6

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single Detached Dwelling Unit ¹	Single Detached Dwelling Unit ¹	Jail	Community Residential Facility II
Townhouse ²	Townhouse ²	Work Release Facility	Hotel/Motel ⁹
Apartment ³	Apartment ⁴	Hydroelectric Generation Facility	Organization
Designated Manufactured Home ¹	Designated Manufactured Home ¹	Nonhydroelectric Generation Facility	Hotel/Lodging Houses
Mobile Home and Manufactured Home ⁵	Mobile Home Park ⁶	Communication Facility ⁵⁹	Campgrounds
Senior Citizen Assisted Housing Assisted Living ⁷	Community Residential Facility I	Earth Station	Destination Resorts
Residential Accessory Uses ⁸	Dormitory ⁷	Oil and Gas Extraction Facility	Recreational Vehicle Park
Home Occupation	Home Industry	Energy Resource Recovery Facility	Ski Area (*)
Park ¹²	Bed and Breakfast	Landfill	Adult Entertainment
Trails	Guesthouse ^{10,11}	Transfer Station	Business
Golf Course Facility ¹⁵	Marina ¹³	Wastewater Treatment Facility	Theater
Amusement and Recreation Services ^{16,17,18}	Sports Club ^{13,14}	Municipal Water Production	Theater, Drive-in
Library ²⁰	Amusement and Recreation Services ^{16,17,19}	Airport/Heliport	Bowling Center
Museum ²⁰	Library	Transit Bus Base	Shooting Range
Arboretum	Museum	School Bus Base	Amusement Arcades
Conference Center ²⁰	Conference Center	Racetrack ⁶²	Amusement Park
Cemetery, Columbarium or Mausoleum ²³	General Personal Service ²¹	Zoo/Wildlife Exhibit ⁶³	Outdoor Performance Center
Family Child-Care Home ²⁵	Funeral Home/Crematory ²²	College/University ⁶⁴	Drycleaning Plants
Day Care I ^{25,26}	Cemetery, Columbarium or Mausoleum ²⁴		Industrial Launderers
Day Care II ²⁶	Day Care I		Veterinary Clinic
Churches, Synagogue, Mosque, Temple ²⁷	Day Care II		Automotive Repair
Social Services ^{27,28}	Churches, Synagogue, Mosque, Temple ²⁷		Automotive Service
Stable ³⁰	Social Services ^{28,29}		Miscellaneous Repair
Artist Studios ³¹	Stable		Kennel or Cattery
Interim Recycling Facility ³²	Medical/Dental		Theatrical Production Services
Medical/Dental Office/Outpatient Clinic ²⁷	Office/Outpatient Clinic ²⁹		Nursing and Personal Care Facilities
Elementary School	Hospital ²⁹		Medical/Dental Lab
Middle/Junior High School	Secondary or High School ³³		Miscellaneous Health Services
Secondary or High School	Vocational School		Public Agency Archives
	Specialized Instruction School ³⁵		Court
	School District Support Facility		Construction and Trade
	Public Agency or Utility Office		Individual Transportation and Taxi
			Trucking and Courier Service
			Warehousing and

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
<u>33</u> <u>Vocational School</u> ²⁹ <u>Specialized Instruction</u> <u>School</u> ³⁴ <u>School District Support</u> <u>Facility</u> ³⁶ <u>Public Agency or Utility</u> <u>Office</u> ³⁷ <u>Public Agency or Utility</u> <u>Yard</u> ³⁸ <u>Police Facility</u> ³⁹ <u>Utility Facility</u> ⁴¹ <u>Commuter Parking Lot</u> ⁴³ <u>Private Stormwater</u> <u>Management Facility</u> ⁴⁴ <u>Vector Waste Receiving</u> <u>Facility</u> ⁴⁵ <u>Automotive Parking</u> ⁴³ <u>Agricultural Product Sales</u> <u>50</u> <u>Livestock Sales</u> ^{53,54} <u>Growing and Harvesting</u> <u>Crops</u> <u>Raising Livestock and</u> <u>Small Animals</u> ⁵⁵ <u>Growing and Harvesting</u> <u>Forest Products</u> <u>School Bus Base</u> ⁶¹ <u>College/University</u> ^{64,65}	<u>Fire Facility</u> ⁴⁰ <u>Utility Facility</u> ⁴² <u>Commuter Parking Lot</u> <u>Helistop</u> ⁴⁷ <u>Department and Variety</u> <u>Stores</u> ⁴⁸ <u>Food Stores</u> ⁴⁹ <u>Eating and Drinking Places</u> <u>51,52</u> <u>Drug Stores</u> ⁴⁹ <u>Book, Stationery, Video &</u> <u>Art Supply Stores</u> ⁴⁹ <u>Florist Shops</u> ⁴⁹ <u>Hatchery/Fish Preserve</u> ⁵⁶ <u>Aquaculture</u> ⁵⁶ <u>Hydroelectric Generation</u> <u>Facility</u> ⁵⁷ <u>Nonhydroelectric</u> <u>Generation Facility</u> ⁵⁸ <u>Communication</u> <u>Facility</u> ^{59,60c} <u>Earth Station</u> ^{60a} <u>School Bus Base</u> <u>College/University</u> ^{64,66} <u>1</u>		<u>Wholesale Trade</u> ⁴⁶ <u>Self-Service Storage</u> <u>Farm Product</u> <u>Warehousing, Refrigeration</u> <u>and Storage</u> <u>Log Storage</u> <u>Transportation Service</u> <u>Freight and Cargo Service</u> <u>Passenger Transportation</u> <u>Service</u> <u>Communication Offices</u> <u>Telegraph and Other</u> <u>Communications</u> <u>General Business Service</u> <u>Professional Office</u> <u>Outdoor Advertising</u> <u>Service</u> <u>Miscellaneous Equipment</u> <u>Rental</u> <u>Automotive Rental and</u> <u>Leasing</u> <u>Professional Sports</u> <u>Teams/Promoters</u> <u>Research, Development</u> <u>and Testing</u> <u>Heavy Equipment and</u> <u>Truck Repair</u> <u>Commercial/Industrial</u> <u>Accessory Uses</u> <u>Building, Hardware and</u> <u>Garden Materials Stores</u> <u>Forest Products Sales</u> <u>Motor Vehicle and Boat</u> <u>Dealers</u> <u>Auto Supply Stores</u> <u>Gasoline Service Stations</u> <u>Apparel and Accessory</u> <u>Stores</u> <u>Furniture and Home</u> <u>Furnishings Stores</u> <u>Liquor Stores</u> <u>Used Goods:</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			<u>Antiques/Secondhand Shops</u> <u>Sporting Goods and Related Stores</u> <u>Jewelry Stores</u> <u>Monuments, Tombstones and Gravestones Sales</u> <u>Hobby, Toy, Game Shops</u> <u>Photographic and Electronic Shops</u> <u>Fabric Shops</u> <u>Fuel Dealers</u> <u>Personal Medical Supply Stores</u> <u>Pet Shops</u> <u>Bulk Retail</u> <u>Auction Houses</u> <u>Manufacturing Land Uses</u> <u>Food and Kindred Products Manufacture (SIC 20)</u> <u>Winery/Brewery (SIC 2082/2084)</u> <u>Textile Mill Products (SIC 22)</u> <u>Apparel and Other Textile Products Manufacture (SIC 23)</u> <u>Wood Products Manufacture, Except Furniture (SIC 24)</u> <u>Furniture and Fixtures Manufacture (SIC 25)</u> <u>Paper and Allied Products Manufacture (SIC 26)</u> <u>Printing and Publishing (SIC 27)</u> <u>Chemicals and Allied Products Manufacture (SIC 28)</u> <u>Petroleum Refining and Related Industries (SIC 2911)</u> <u>Rubber and Misc. Plastics</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			Products Manufacture (SIC 30) Leather and Leather Goods Manufacture (SIC 31) Stone, Clay, Glass and Concrete Products Manufacture (SIC 32) Primary Metal Industries (SIC 33) Fabricated Metal Products (SIC 34) Industrial and Commercial Machinery Manufacture (SIC 35) Heavy Machinery and Equipment Manufacture (SIC 351-55) Computer and Office Equipment Manufacture (SIC 357) Electronic and Other Electric Equipment Manufacture (SIC 36) Railroad Equipment Manufacture (SIC 374) Guided Missile and Space Vehicle Parts Manufacture (SIC 376) Miscellaneous Transportation Vehicles Manufacture (SIC 379) Measuring and Controlling Instruments Manufacture (SIC 38) Miscellaneous Light Manufacturing (SIC 39) Motor Vehicle and Bicycle Manufacturing (*) Aircraft, Ship and Boat Building (*) Tire Retreading (SIC 7534) Movie Production/Distribution (SIC 781-82)

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Agriculture Training Facility (*) Forest Research Wildlife Shelters Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Manufacture Resource Accessory Uses Jail Farm/Camp Public Agency Animal Control Facility Public Agency Training Facility Soil Recycling Facility Fairground Stadium/Arena Zoo Animal Breeding Facility (*) Secure Community Transition Facilities

B. Development Conditions.

1. Conditional use permit required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(7) 8 of this section.

2. A conditional use permit is not required for townhouse units on lots in a subdivision or short subdivision designed for townhouse units.

3. Only subject to the residential density incentive provisions of Chapter 18.80 KMC.

4. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC.

5. Manufactured homes and mobile homes are only allowed in mobile home parks.

6. Mobile home parks shall not be permitted in the R-1 zones.

7. Only as an accessory to a school, college, university or church.

8.a. See 18.73.100 KMC regarding accessory dwelling units.

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner-occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner-occupied;

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

9. Except bed and breakfast guesthouses.

10. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests shall be limited to breakfast only (no restaurant use permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. At least one off-street parking stall shall be provided for each guestroom and one additional stall for each employee or worker. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

11. Reserved. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R-1 occupancies may accommodate up to 10 persons per night.

12. The following conditions and limitations shall apply, where appropriate:

a. No stadiums on sites less than 10 acres;

b. Lighting for structures and fields shall be directed away from residential areas;

c. Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in KMC 18.35.17030.120 and 18.35.18030.130. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with KMC 18.30.030 the zoning standards for the underlying residential zone;

d. Facilities in the A zones, or in a designated rural forest focus area, shall be limited to trails and trailheads and active recreation facilities, including related accessory uses such as parking and sanitary facilities. Active recreation facilities shall be limited to those properties within the agricultural production district (APD) that are acquired before designation of the APD, using voter approved recreation funds, state funds mandated for recreation funds or King County board of recreation funds. Active recreation uses allowed on parcels as noted in this subsection may be transferred to other parcels within the same APD. However, active recreation from lands outside of the APD shall not be relocated to any parcel within an APD. Where those facilities are permitted within an APD, the following deed restrictions shall be applied:

(1) Active recreation uses shall be designed in a manner that visually screens adjacent agricultural uses from park users and that restricts physical trespass onto adjacent agricultural production district properties;

(2) Buildings associated with recreational uses shall be limited to restroom facilities, picnic shelters and storage/maintenance facilities for equipment used onsite;

(3) No use that permanently compacts, removes, sterilizes, pollutes or otherwise materially impairs the future use of the soil for raising agricultural crops shall be allowed;

(4) Any soil surfaces temporarily disturbed through construction activities shall be restored in a manner consistent with agricultural uses, including restoration of the original soil horizon sequence, as soon as practical following the disturbance;

(5) Access to recreational uses shall be designed to minimize impact on the surrounding agricultural production district and should be limited to direct access along district boundaries whenever feasible; and

(6) Although the recreational use of agricultural production district properties may be long term, the use shall be recognized as an interim use of the production district's prime agricultural soils. As such, any acquisition funding or policy restrictions for the recreational use of the property shall be viewed as subordinate to the city's prior commitment to the preservation of prime agricultural soils and the viability of local agricultural production. If the city declares through action of the city council a critical shortage of agricultural soils to accommodate an active soil dependent agricultural proposal, the city shall initiate a process to relocate any recreational uses off the subject property and to make the property available for re-establishment of agricultural activities; and

ed. Overnight camping is allowed only in an approved campground.

13. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

14. Only for stand-alone sports clubs that are not part of a park.

15. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development.

16. Excluding amusement and recreational *uses* classified elsewhere in this chapter.
17. *Social card games*, as defined by this title, are prohibited.
18. Limited to a golf driving range as an accessory to golf courses.
19. Limited to golf driving ranges and subject to subsection ~~(B)(7)~~ 15 of this section.
20. Only as accessory to a *park* or in a *building* listed on the National Register as an historic *site* or designated as a *city* of Kenmore landmark subject to Chapter 18.7550 KMC.
21. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.20.22021.070.
22. Only as an accessory to a cemetery.
23. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
24. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
25. Only as an accessory to residential use, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates, and have a minimum height of six feet; and
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area as certified by the DEL licensor shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *city*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *city*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of KMC Chapter 18.42;
 - f. The *city* has the authority to limit the hours of operation to facilitate neighborhood compatibility;
 - g. Prior to receiving State licensing, the family child-care provider shall provide the *city* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.
26. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
27. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC.
28. Except SIC Industry Group Nos.:
 - a. 835 – Day Care Services, and
 - b. 836 – Residential Care, which is otherwise provided for on the residential permitted land use table.
29. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.
30. Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

31. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC or as a joint use of an existing public school facility.
32. Limited to *drop box facilities* accessory to a public or community use such as a school, fire station or community center.
33. a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in KMC 18.95.110.
b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.
34. Only as an accessory to residential use, and:
a. Students shall be limited to 12 per one-hour session;
b. All instruction must be within an enclosed *structure*; and
c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
35. Subject to the following:
a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
b. On lots over two and one-half acres:
(1) *Retail sales* of items related to the instructional courses is permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
(2) Sales of food prepared in the instructional courses is permitted with department of Seattle/King County public health and Seattle and King County city approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
(3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and
c. On sites over 10 acres, located in a designated rural town and zoned R-1, and/or R-4:
(1) *Retail sales* of items related to the instructional courses is permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;
(2) Sales of food prepared in the instructional courses is permitted with department of Seattle/King County public health and Seattle and King County city approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
(3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
(4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
(5) Advertised special events shall comply with the temporary use requirements of this chapter title; and
(6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development condition in this subsection (B)(2)(c) 35.c and this title.
36. Only if adjacent to an existing or proposed school.
- 37.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.7550 KMC; or
b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
- 38.a. Utility yards only on sites with utility district offices; or
b. *Public agency* yards are limited to material storage for road maintenance facilities.
39. Limited to “storefront” police offices. Such offices shall not have:
a. Holding cells.
b. Suspect interview rooms (except in the NB zone), or
c. Long-term storage of stolen properties.
- 40.a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

- b. Any buildings from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*;
- c. No *outdoor storage*; and
- 41. Excluding *bulk gas storage tanks*;
- 42. Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks;
- 43. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:
 - a. They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the department of public works;
- 44. Except in commercial/industrial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial/industrial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation;
- 45. Only as an *accessory use* to a *public agency or utility yard*, or to a *transfer station*;
- 46. Except *self-service storage*;
- 47. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility;
- 48. Not in R-1 and limited to SIC Industry No. 5331— *Variety Stores*, limited to with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.30.22021.070.
- 49. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.22021.070.
- 50. a. Limited to products produced on site;
 - b. Covered sales areas shall not exceed a total area of 500 square feet;
- 51. Not permitted in R-1 and excluding SIC Industry No. 5813— *Drinking Places*, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.22021.070.
- 52. *Social card games*, as defined by this title, are prohibited;
- 53. Retail sale of *livestock* is permitted only as accessory to raising *livestock*;
- 54. Limited to the R-1 zone;
- 55. *Large livestock* allowed in accordance with Chapter 18.70 KMC.
- 56. May be further subject to KMC Title 16, Shoreline Management.
- 57. Limited to facilities that comply with the following:
 - a. Any new diversion *structure* shall not:
 - (1) Exceed a height of eight feet as measured from the streambed; or
 - (2) Impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) Right-of-way of five miles or less; and
 - (2) Capacity of 230 KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*;
- 58. Limited to *cogeneration* facilities for on-site use only;
- 59. The following provisions of the table apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC;
- 60.a. Limited to no more than three satellite dish *antennas*;

b. Limited to one satellite dish *antenna*.

c. Limited to tower *consolidations*.

61. Only in conjunction with an existing or proposed school.

62. Except racing of motorized vehicles.

63. Except arboretum. See KMC 18.25.040, recreation/cultural land use table.

64. Except technical institutions. See *vocational schools* on general services land use table, KMC 18.25.050.

65. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC.

66. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.

18.3021.030

Densities and dimensions—Residential zones: Zoning standards.

The following zone-specific development standards in Table C apply in the R1, R4 and R6 residential zones:

C. R1, R4 and R6 Residential Zones zoning standards.

STANDARDS	Z O N E S	R-1 (1)	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> (2)		1 du/ac	4 du/ac (3)	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> (4)			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width (5)(6)		35 ft (7)	30 ft	30 ft
Minimum Street Setback (5)		20 ft (7)	15 ft (8) (9)	15 ft (8) (9)
Minimum Side Setback (5) (10)		5 ft (7)	15 ft Total (11)	15 ft Total (11)
Minimum Rear Setback (5) (10)		5 ft (7)	20 ft	20 ft
Base Height (12)		35 ft	35 ft	35 ft 45 ft (13)

STANDARDS	Z O N E S	R-1 (1)	R-4	R-6
Maximum Impervious Surface: Percentage (14)		30% (15)	55%	70%
Minimum Lot Size		2,500 sq ft	7,200 sq ft (16) (17)	5,400 sq ft (16) (17)

D. Development Conditions.

1. a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered when the property is located within or contains:

(1) A floodplain;

(2) A critical aquifer recharge area;

(3) A regionally or locally significant resource area;

(4) Existing or planned public parks or trails, or connections to such facilities;

(5) A Class I or II stream or wetland;

(6) A "greenbelt/urban separator" or "wildlife corridor" area designated by the comprehensive plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. Open space tracts shall be permanent and meet the provisions of KMC 18.35.040 17.20.130.

2. Density applies only to dwelling units and not to sleeping units.

3. Mobile home parks shall be allowed a base density of six dwelling units per acre.

4. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or transfers of density credits, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(F)(1)(f).

5. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

6. The building envelope is determined through meeting minimum lot size (subsection A of this section) and minimum lot width measurement requirements (KMC 18.30.050(B)110).

7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.

8. If development provides alleys or consists of townhomes, then the street setback may equal 10 feet.

9. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line.

10. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

11. Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

12. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.

13. The base height to be used only for projects as follows:

a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade;
and

b. In R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits pursuant to this title.

14. Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in residential zones shall comply with KMC 18.30.14970 and 18.30.21021.060;

c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;

d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

15. *Lots* smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For *lots* that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any *lot* over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For *lots* smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC 18.75100.170(A)(2).

16. For properties with *critical areas* or topographic constraints, up to 20 percent of the number of *lots* in a subdivision or a short subdivision of more than four *lots*, and one of the *lots* in a short plat of four *lots* or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any *lots* be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller *lots* shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.

17. This excludes any area required for public or private *roadstreets*, access easements, access tracts, and access panhandles.

18.21.040

Residential zones R12, R18, R24, and R48 – Use allowances.

The following uses in Table E are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R12, R18, R24, and R48.

Table E. Residential Zone Use Allowances, R12, R18, R24, and R48

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single Detached Dwelling Unit ¹	Single Detached Dwelling Unit ¹	Jail	Home Industry
Townhouse	Designated Manufactured Home ¹	Work Release Facility	Hotel/Motel ⁴
Apartment	Bed and Breakfast	Nonhydroelectric Generation Facility	Organization Hotel/Lodging Houses
Designated Manufactured Home ¹	Guesthouse ^{5,6}	Communication Facility ⁴⁹	Campgrounds
Mobile Home and Manufactured Home ²	Marina ⁸	Earth Station	Destination Resorts
Mobile Home Park	Sports Club ^{8,9}	Oil and Gas Extraction	Recreational Vehicle Park
Community Residential Facility I	Amusement and Recreation Services ^{11,12,13,14}	Energy Resource Recovery Facility	Ski Area (*)
Community Residential Facility II	Library	Landfill	Adult Entertainment Business
Dormitory	Museum	Transfer Station	Theater
Senior Citizen Assisted Housing	Conference Center	Wastewater Treatment Facility	Theater, Drive-in
Assisted Living	General Personal Service ¹⁶	Municipal Water Production	Bowling Center
Residential Accessory Uses ³	Funeral Home/Crematory ¹⁷	Airport/Heliport	Shooting Range
Home Occupation	Cemetery, Columbarium or Mausoleum ¹⁹	Transit Bus Base	Amusement Arcades
Park ⁷	Day Care II	School Bus Base	Amusement Park
Trails	Churches, Synagogue, Mosque, Temple	Racetrack ⁵²	Outdoor Performance Center
Golf Course Facility ¹⁰	Social Services ^{22,23}	Zoo/Wildlife Exhibit ⁵³	Drycleaning Plants
Amusement and Recreation Services ^{11,12,13}	Medical/Dental	College/University ⁵⁴	Industrial Launderers
Library ¹⁵	Office/Outpatient Clinic ²³		Veterinary Clinic
Museum ¹⁵	Nursing and Personal Care Facilities		Automotive Repair
Arboretum	Hospital ²³		Automotive Service
Conference Center ¹⁵	Secondary or High School ²⁶		Miscellaneous Repair
Cemetery, Columbarium or Mausoleum ¹⁸	Vocational School		Stable
Family Child-Care Home ³⁷	Specialized Instruction		Kennel or Cattery
Day Care I	School ²⁸		Theatrical Production
Day Care II ²⁰	School District Support Facility		Services
Churches, Synagogue, Mosque, Temple ²¹	Public Agency or Utility Office		Medical/Dental Lab
Social Services ^{21,22}	Fire Facility ³³		Miscellaneous Health Services
Artist Studios ²⁴	Utility Facility ³⁵		Public Agency Archives
Interim Recycling Facility ²⁵	Commuter Parking Lot		Court
Medical/Dental	Self-Service Storage ⁴¹		Individual Transportation and Taxi
	Helistop ⁴³		Trucking and Courier Service
	Department and Variety Stores ⁴⁴		Warehousing and Wholesale Trade ⁴⁰
	Food Stores ⁴⁵		Farm Product Warehousing, Refrigeration and Storage
	Eating and Drinking Places ^{46,47}		Log Storage
	Drug Stores ⁴⁵		Transportation Service
	Book, Stationery, Video &		

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
<u>Office/Outpatient Clinic</u> ²¹	<u>Art Supply Stores</u> ⁴⁵		<u>Freight and Cargo Service</u>
<u>Elementary School</u>	<u>Florist Shops</u> ⁴⁵		<u>Passenger Transportation Service</u>
<u>Middle/Junior High School</u>	<u>Nonhydroelectric Generation Facility</u> ⁴⁸		<u>Communication Offices</u>
<u>Secondary or High School</u> ²⁶	<u>Communication Facility</u> ^{49,50c}		<u>Telegraph and Other Communications</u>
<u>Vocational School</u> ²³	<u>Earth Station</u> ^{50a}		<u>General Business Service</u>
<u>Specialized Instruction School</u> ²⁷	<u>School Bus Base</u> ⁵¹		<u>Outdoor Advertising Service</u>
<u>School District Support Facility</u> ²⁹	<u>College/University</u> ^{54,56}		<u>Miscellaneous Equipment Rental</u>
<u>Public Agency or Utility Office</u> ³⁰			<u>Automotive Rental and Leasing</u>
<u>Public Agency or Utility Yard</u> ³¹			<u>Professional Sports Teams/Promoters</u>
<u>Police Facility</u> ³²			<u>Research, Development and Testing</u>
<u>Utility Facility</u> ³⁴			<u>Heavy Equipment and Truck Repair</u>
<u>Commuter Parking Lot</u> ³⁶			<u>Commercial/Industrial Accessory Uses</u>
<u>Private Stormwater Management Facility</u> ³⁷			<u>Building, Hardware and Garden Materials Stores</u>
<u>Vector Waste Receiving Facility</u> ³⁸			<u>Forest Products Sales</u>
<u>Construction and Trade</u> ³⁹			<u>Agricultural Product Sales</u>
<u>Professional Office</u> ⁴²			<u>Motor Vehicle and Boat Dealers</u>
<u>Automotive Parking</u> ³⁶			<u>Auto Supply Stores</u>
<u>College/University</u> ^{54,55}			<u>Gasoline Service Stations</u>
			<u>Apparel and Accessory Stores</u>
			<u>Furniture and Home Furnishings Stores</u>
			<u>Liquor Stores</u>
			<u>Used Goods:</u>
			<u>Antiques/Secondhand Shops</u>
			<u>Sporting Goods and Related Stores</u>
			<u>Jewelry Stores</u>
			<u>Monuments, Tombstones and Gravestones Sales</u>
			<u>Hobby, Toy, Game Shops</u>
			<u>Photographic and Electronic</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			<u>Shops</u> <u>Fabric Shops</u> <u>Fuel Dealers</u> <u>Personal Medical Supply</u> <u>Stores</u> <u>Pet Shops</u> <u>Bulk Retail</u> <u>Auction Houses</u> <u>Livestock Sales</u> <u>Manufacturing Land</u> <u>Uses</u> <u>Food and Kindred Products</u> <u>Manufacture (SIC 20)</u> <u>Winery/Brewery (SIC</u> <u>2082/2084)</u> <u>Textile Mill Products (SIC</u> <u>22)</u> <u>Apparel and Other Textile</u> <u>Products Manufacture (SIC</u> <u>23)</u> <u>Wood Products Manufacture,</u> <u>Except Furniture (SIC 24)</u> <u>Furniture and Fixtures</u> <u>Manufacture (SIC 25)</u> <u>Paper and Allied Products</u> <u>Manufacture (SIC 26)</u> <u>Printing and Publishing (SIC</u> <u>27)</u> <u>Chemicals and Allied</u> <u>Products Manufacture (SIC</u> <u>28)</u> <u>Petroleum Refining and</u> <u>Related Industries (SIC</u> <u>2911)</u> <u>Rubber and Misc. Plastics</u> <u>Products Manufacture (SIC</u> <u>30)</u> <u>Leather and Leather Goods</u> <u>Manufacture (SIC 31)</u> <u>Stone, Clay, Glass and</u> <u>Concrete Products</u> <u>Manufacture (SIC 32)</u> <u>Primary Metal Industries</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			(SIC 32) Fabricated Metal Products (SIC 34) Industrial and Commercial Machinery Manufacture (SIC 35) Heavy Machinery and Equipment Manufacture (SIC 351-55) Computer and Office Equipment Manufacture (SIC 357) Electronic and Other Electric Equipment Manufacture (SIC 36) Railroad Equipment Manufacture (SIC 374) Guided Missile and Space Vehicle Parts Manufacture (SIC 376) Miscellaneous Transportation Vehicles Manufacture (SIC 379) Measuring and Controlling Instruments Manufacture (SIC 38) Miscellaneous Light Manufacturing (SIC 39) Motor Vehicle and Bicycle Manufacturing (*) Aircraft, Ship and Boat Building (*) Tire Retreading (SIC 7534) Movie Production/Distribution (SIC 781-82) <i>Resource Land Uses</i> Growing and Harvesting Crops Raising Livestock and Small Animals Agriculture Training Facility (*)

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			Growing and Harvesting Forest Products Forest Research Hatchery/Fish Preserve Aquaculture Wildlife Shelters Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Resource Accessory Uses <u>Jail Farm/Camp</u> <u>Public Agency Animal Control Facility</u> <u>Public Agency Training Facility</u> <u>Hydroelectric Generation Facility</u> <u>Soil Recycling Facility</u> <u>Fairground</u> <u>Stadium/Arena</u> <u>Zoo Animal Breeding Facility (*)</u> <u>Secure Community Transition Facilities</u>

F. Development Conditions.

1. Conditional use permit required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(7) 3 of this section.

2. Manufactured homes and mobile homes are only allowed in mobile home parks.

3.a. See 18.73.100 KMC regarding aAccessory dwelling units:

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

4. Except bed and breakfast guesthouses.

5. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests shall be limited to breakfast only (no restaurant use permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. At least one off street parking stall shall be provided for each guestroom and one additional stall for each employee or worker. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

6. Reserved Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R 1 occupancies may accommodate up to 10 persons per night.

7. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on *sites* less than 10 acres;
 - b. Lighting for *structures* and fields shall be directed away from residential areas;
 - c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC 18.35.17030.120 and 18.35.18030.130. *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with KMC 18.30.030 the zoning standards for the underlying residential zone;
 - d. Facilities in the A zones, or in a designated rural forest focus area, shall be limited to trails and trailheads and active recreation facilities, including related accessory uses such as parking and sanitary facilities. Active recreation facilities shall be limited to those properties within the agricultural production district (APD) that are acquired before designation of the APD, using voter approved recreation funds, state funds mandated for recreation funds or King County board of recreation funds. Active recreation uses allowed on parcels as noted in this subsection may be transferred to other parcels within the same APD. However, active recreation from lands outside of the APD shall not be relocated to any parcel within an APD. Where those facilities are permitted within an APD, the following deed restrictions shall be applied:
 - (1) Active recreation uses shall be designed in a manner that visually screens adjacent agricultural uses from park users and that restricts physical trespass onto adjacent agricultural production district properties;
 - (2) Buildings associated with recreational uses shall be limited to restroom facilities, picnic shelters and storage/maintenance facilities for equipment used onsite;
 - (3) No use that permanently compacts, removes, sterilizes, pollutes or otherwise materially impairs the future use of the soil for raising agricultural crops shall be allowed;
 - (4) Any soil surfaces temporarily disturbed through construction activities shall be restored in a manner consistent with agricultural uses, including restoration of the original soil horizon sequence, as soon as practical following the disturbance;
 - (5) Access to recreational uses shall be designed to minimize impact on the surrounding agricultural production district and should be limited to direct access along district boundaries whenever feasible; and
 - (6) Although the recreational use of agricultural production district properties may be long term, the use shall be recognized as an interim use of the production district's prime agricultural soils. As such, any acquisition funding or policy restrictions for the recreational use of the property shall be viewed as subordinate to the city's prior commitment to the preservation of prime agricultural soils and the viability of local agricultural production. If the city declares through action of the city council a critical shortage of agricultural soils to accommodate an active soil dependent agricultural proposal, the city shall initiate a process to relocate any recreational uses off the subject property and to make the property available for re-establishment of agricultural activities; and
 - e. Overnight camping is allowed only in an approved *campground*.
8. Limited to recreation facilities subject to the following conditions and limitations:
- a. The bulk and scale shall be compatible with residential ~~or rural~~ character of the area;
 - b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility located in the urban area; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
9. Only for stand-alone *sports clubs* that are not part of a *park*.
10. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.
11. Excluding amusement and recreational uses classified elsewhere in this chapter.
12. *Social card games*, as defined by this title, are prohibited.
13. Limited to a golf driving range as an accessory to golf courses.
14. Limited to golf driving ranges and subject to subsection ~~(B)(7)~~ 10 of this section.

15. Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *city of Kenmore* landmark subject to Chapter 18.7550 KMC.
16. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.80.22021.070.
17. Only as an accessory to a cemetery.
18. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
19. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
20. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
21. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC.
22. Except *SIG Industry Group Nos.:*
 - a. 835 *Day Care Services*, and
 - b. 836 *Residential Care*, which is otherwise provided for on the residential permitted land use table.
23. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.
24. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC or as a joint use of an existing public school facility.
25. Limited to *drop box facilities* accessory to a public or community use such as a school, fire station or community center.
26. a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in KMC 18.95.110.
 - b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.
27. Only as an accessory to residential use, and:
 - a. Students shall be limited to 12 per one-hour session;
 - b. All instruction must be within an enclosed *structure*; and
 - c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
28. Subject to the following:
 - a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On lots over two and one-half acres:
 - (1) *Retail sales* of items related to the instructional courses is permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with *department of Seattle/King County* public health and *Seattle and King County* city approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
 - (3) Other incidental student-supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and
 - c. On sites over 10 acres, located in a designated rural town and zoned R-1, and/or R-4:
 - (1) *Retail sales* of items related to the instructional courses is permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;

(2) Sales of food prepared in the instructional courses is permitted with ~~department of Seattle/King County~~ public health and ~~Seattle and King County~~city approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;

(3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;

(4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;

(5) Advertised special events shall comply with the temporary use requirements of this ~~chapter~~title; and

(6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development condition in this subsection ~~(B)(20)(c)~~ 28.c and this title.

29. Only if adjacent to an existing or proposed school.

30.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.7550 KMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

31.a. Utility yards only on *sites* with utility district offices; or

b. *Public agency* yards are limited to material storage for road maintenance facilities.

32. Limited to “storefront” police offices. Such offices shall not have:

a. Holding cells.

b. Suspect interview rooms ~~(except in the NB zone)~~, or

c. Long-term storage of stolen properties.

33.a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*;

c. No *outdoor storage*; and

34. Excluding *bulk gas storage tanks*.

35. Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.

36. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for churches, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the ~~department of public works~~.

37. Except ~~in commercial/industrial zones or~~ when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. ~~In For commercial/industrial zones or~~ shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

38. Only as an *accessory use* to a *public agency* or *utility yard*, or to a *transfer station*.

39. Permitted when:

a. Located in the R-24 zone; and

b. On a *site* in *professional office* or *construction and trade office uses* as of May 8, 2003; and

c. Part of a *mixed use development*; and

d. Limited to 15,000 square feet; and

e. No *outdoor storage* of equipment occurs.

40. Except *self-service storage*.

41. Accessory to an *apartment development* of at least 12 units provided:

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment dwellings on the site*;
 - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - c. The use of the facility shall be limited to dead storage of household goods;
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - f. No residential occupancy of the storage units;
 - g. No business activity other than the rental of storage units; and
 - h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
42. Permitted when:
- a. Located in the R-24 zone; and
 - b. On a *site* in *professional office or construction and trade office uses* as of May 8, 2003; and
 - c. Part of a *mixed use development*; and
 - d. Limited to 15,000 square feet; and
 - e. No *outdoor storage* of equipment occurs.
43. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.
44. Not in R-1 and limited to ~~SIC Industry No. 5331 — Variety Stores, limited to~~ with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.30.22021.070.
45. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.22021.070.
46. Not permitted in R-1 and excluding ~~SIC Industry No. 5813 — Drinking Places, and limited to a~~ maximum of 5,000 square feet of gross floor area and subject to KMC 18.30.22021.070.
47. *Social card games*, as defined by this title, are prohibited.
48. Limited to *cogeneration* facilities for on-site use only.
49. The ~~following~~ provisions ~~of the table~~ apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.
- 50.a. Limited to no more than three satellite dish *antennas*.
- b. Limited to one satellite dish *antenna*.
- c. Limited to tower *consolidations*.
51. Only in conjunction with an existing or proposed school.
52. Except racing of motorized vehicles.
53. Except arboretum. ~~See KMC 18.25.040, recreation/cultural land use table.~~
54. Except technical institutions. ~~See vocational schools on general services land use table, KMC 18.25.050.~~
55. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC.
56. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.
57. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:
- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area as certified by the DEL licensor shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the city;
 - d. The *family child-care home* shall comply with all applicable development standards of the city, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and
 - f. The city has the authority to limit the hours of operation to facilitate neighborhood compatibility.

18.21.050**Zoning standards.**

The following zone-specific development standards in Table G apply in the R12, R18, R24, and R48 residential zones:

G. R12, R18, R24, and R48 Residential Zones zoning standards.

STANDARDS	Z O N E S	R-12	R-18	R-24	R-48
Base Density: <i>Dwelling Unit/Acre</i> (1)		12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> (2)		18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density (11)		80%	75%	70%	65%
Minimum Lot Width (3)(4)		30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (5)		10 ft (6)	10 ft (6)	10 ft (6)	10 ft (6)
Minimum Side Setback (3) (5)		5 ft (7)	5 ft (7)	5 ft (7)	5 ft (7)
Minimum Rear Setback (3) (5)		5 ft (7)	5 ft (7)	5 ft (7)	5 ft (7)
Base Height (8)		60 ft	60 ft 80 ft (9)	60 ft 80 ft (9)	60 ft 80 ft (9)
Maximum Impervious Surface: Percentage (10)		85%	85%	85%	90%
Minimum Lot Size					

H. Development Conditions.

1. Density applies only to *dwelling units* and not to sleeping units.

2. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(F)(1)(f).

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4. The *building envelope* is determined through meeting minimum lot size (subsection A of this section) and minimum lot width measurement requirements (KMC 18.30.050(B)(110)).

5. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

6. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.

7. a. For *developments* consisting of three or more single detached dwellings located on a single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6, except for *structures* in on-site *playrecreation* areas required in KMC 18.35.18030.130, which shall have a *setback* of five feet.

b. For *townhouse* and *apartment development*, the *setback* shall be 20 feet along any property line abutting R-1 through R-6, except for *structures* in on-site *playrecreation* areas required in KMC 18.35.18030.130, which shall have a *setback* of five feet, unless the *townhouse* or *apartment development* is adjacent to property upon which an existing *townhouse* or *apartment development* is located.

8. Height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

9. The base height to be used only for projects as follows:

a. In R-6 zones, a building with a footprint built on slopes exceeding a 15 percent finished grades and

ba. In R-18, R-24 and R-48 zones using residential density incentives and *transfer of density credits* pursuant to this title.

10. Applies to each individual *lot*. *Impervious surface* area standards for:

a. *Regional uses* shall be established at the time of permit review;

b. *Nonresidential uses* in residential zones shall comply with KMC 18.30.14070 and 18.30.21021.060;

c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;

dc. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

11. Minimum density is determined by multiplying the allowable number of dwelling units, as calculated using KMC 18.30.020, by the percentage shown for each zone.

18.30.21021.060

Nonresidential land uses in residential zones.

Except for *utility facilities*, *uses* listed in KMC 18.25.100 *regional land uses*, and *nonresidential uses* regulated by KMC 18.30.22021.070, all *nonresidential uses* located in the R zones shall be subject to the following requirements:

A. *Impervious surface* coverage shall not exceed:

1. Seventy percent of the *site* in the R-1 through R-6 zones.

2. Eighty percent of the *site* in the R-12 through R-48 zones.

B. *Buildings* and *structures*, except *fences* and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (C) of this section.

C. Single detached dwelling allowed as accessory to a church or school shall conform to the *setback* requirements of the zone.

D. Parking areas are permitted within the required *setback* area from property lines, provided such parking areas are located outside of the required landscape area.

E. Sites shall abut or be accessible from at least one public *street* functioning at a level consistent with the *city of Kenmore roadstreet* design standards. New *high school sites* shall abut or be accessible from a public *street* functioning as an arterial per the *city of Kenmore* design standards.

F. The base height shall conform to the zone in which the *use* is located.

G. *Building* illumination and lighted *signs* shall be designed so that no direct rays of light are projected into neighboring residences or onto any *street* right-of-way. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.220).]

18.30.22021.070

Personal services and retail uses in R-4 through R-48 zones.

The *General personal service uses* (SIC No. 72 except 7216, 7218 and 7261) listed in KMC 18.25.050 drycleaning plants other than rug cleaning and industrial launderers, and the *retail land uses*, except agricultural crop sales, listed in KMC 18.25.070 which are located in the R-4 through R-48 zones shall be subject to the following requirements:

A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;

B. Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (A) of this section;

C. Establishment *sites* shall abut an intersection of two public *streets*, each of which is designated as a neighborhood collector or arterial and which has improved pedestrian facilities for at least one-fourth mile from the *site*;

D. The maximum on-site parking ratios for establishments and *sites* shall be two per 1,000 square feet and required parking shall not be located between the *building(s)* and the *street*; and

E. *Buildings* shall comply with the *building facade modulation and roofline variation* requirements in KMC 18.3550.070 and 18.3550.080 and at least one facade of the *building* shall be located within five feet of the sidewalk;

F. If the personal service or retail use is located in a *building* with multifamily *uses*, then the commercial *use* shall be on the *ground floor* and shall not exceed 25 percent of the total floor area of the *building*;

G. *Sign* and *landscaping* standards for the *use* apply. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.230).]

Chapter 18.22

NEIGHBORHOOD BUSINESS ZONE

Sections:

18.22.010 Use allowances.

18.30.04022.020 Densities and dimensions—Commercial zones. Zoning standards.

18.22.010

Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, special *uses*, or *prohibited uses* in the neighborhood business zone:

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
----------------------	------------------------	--------------------	-------------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Townhouse ¹	Bed and Breakfast	Jail	Single Detached Dwelling Unit
Apartment ¹	Guesthouse (*) ^{4,5}	Work Release Facility	Family Child-Care Home
Community Residential Facility I ¹	Sports Club ⁷	Nonhydroelectric Generation Facility	Designated Manufactured Home
Community Residential Facility II ¹	School District Support Facility	Communication Facility ²⁹	Mobile Home and Manufactured Home
Senior Citizen Assisted Housing ¹	Helistop ²²	Oil and Gas Extraction	Mobile Home Park
Assisted Living ¹	Nonhydroelectric Generation Facility ²⁸	Energy Resource Recovery Facility	Dormitory
Residential Accessory Uses ²	Communication Facility ^{29,30c}	Landfill	Home Industry
Home Occupation	Earth Station	Transfer Station	Hotel/Motel ³
Bed and Breakfast	College/University ^{33,35}	Wastewater Treatment Facility	Organization Hotel/Lodging
Guesthouse ^{4,5}		Municipal Water Production	Houses
Park		Airport/Heliport	Campgrounds
Trails		Transit Bus Base	Destination Resorts
Marina ⁶		School Bus Base	Recreational Vehicle Park
Library		Racetrack ³¹	Skid Area (*)
Museum		College/University ³³	Adult Entertainment Business
Arboretum		Secure Community	Theater
Conference Center		Transition Facilities ³⁶	Theater, Drive-in
General Personal Service			Bowling Center
Cemetery, Columbarium or Mausoleum ¹⁰			Golf Course Facility
Day Care I			Amusement and Recreation Services ^{8,9}
Day Care II			Shooting Range
Veterinary Clinic ¹¹			Amusement Arcades
Automotive Repair ^{12,13}			Amusement Park
Automotive Service ¹³			Outdoor Performance Center
Churches, Synagogue, Mosque, Temple			Drycleaning Plants
Social Services ^{14,15}			Industrial Launderers
Artist Studios			Funeral Home/Crematory
Interim Recycling Facility ¹⁶			Miscellaneous Repair
Medical/Dental			Stable
Office/Outpatient Clinic			Kennel or Cattery
Specialized Instruction			Theatrical Production Services
School			Nursing and Personal Care Facilities
Public Agency or Utility Office			Hospital
Police Facility ¹⁷			Medical/Dental Lab
Fire Facility			Miscellaneous Health

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
<u>Utility Facility</u> <u>Commuter Parking Lot</u> <u>Private Stormwater</u> <u>Management Facility</u> ¹⁸ <u>Vector Waste Receiving</u> <u>Facility</u> ¹⁹ <u>General Business Service</u> <u>Professional Office</u> <u>Automotive Parking</u> ²⁰ <u>Commercial/Industrial</u> <u>Accessory Uses</u> ²¹ <u>Building, Hardware and</u> <u>Garden Materials</u> <u>Stores</u> ²³ <u>Department and Variety</u> <u>Stores</u> ²⁴ <u>Food Stores</u> <u>Gasoline Service Stations</u> <u>Eating and Drinking</u> <u>Places</u> ^{25,26} <u>Drug Stores</u> <u>Book, Stationery, Video &</u> <u>Art Supply Stores</u> <u>Hobby, Toy, Game Shops</u> <u>Photographic and</u> <u>Electronic Shops</u> <u>Florist Shops</u> <u>Pet Shops</u> <u>Printing and Publishing</u> ²⁷ <u>Earth Station</u> ^{30b} <u>College/University</u> ^{33,34}			<u>Services</u> <u>Elementary School</u> <u>Middle/Junior High School</u> <u>Secondary or High School</u> <u>Vocational School</u> <u>Public Agency or Utility Yard</u> <u>Public Agency Archives</u> <u>Court</u> <u>Construction and Trade</u> <u>Individual Transportation</u> <u>and Taxi</u> <u>Trucking and Courier</u> <u>Service</u> <u>Warehousing and Wholesale</u> <u>Trade</u> <u>Self-Service Storage</u> <u>Farm Product Warehousing,</u> <u>Refrigeration and Storage</u> <u>Log Storage</u> <u>Transportation Service</u> <u>Freight and Cargo Service</u> <u>Passenger Transportation</u> <u>Service</u> <u>Communication Offices</u> <u>Telegraph and Other</u> <u>Communications</u> <u>Outdoor Advertising Service</u> <u>Miscellaneous Equipment</u> <u>Rental</u> <u>Automotive Rental and</u> <u>Leasing</u> <u>Professional Sports</u> <u>Teams/Promoters</u> <u>Research, Development and</u> <u>Testing</u> <u>Heavy Equipment and Truck</u> <u>Repair</u> <u>Forest Products Sales</u> <u>Agricultural Product Sales</u> <u>Motor Vehicle and Boat</u> <u>Dealers</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			<u>Auto Supply Stores</u> <u>Apparel and Accessory Stores</u> <u>Furniture and Home Furnishings Stores</u> <u>Liquor Stores</u> <u>Used Goods:</u> <u>Antiques/Secondhand Shops</u> <u>Sporting Goods and Related Stores</u> <u>Jewelry Stores</u> <u>Monuments, Tombstones and Gravestones Sales</u> <u>Fabric Shops</u> <u>Fuel Dealers</u> <u>Personal Medical Supply Stores</u> <u>Bulk Retail</u> <u>Auction Houses</u> <u>Livestock Sales</u> <u>Manufacturing Land Uses, except Printing and Publishing</u> <u>Food and Kindred Products Manufacture</u> <u>Winery/Brewery</u> <u>Textile Mill Products</u> <u>Apparel and Other Textile Products Manufacture</u> <u>Wood Products Manufacture, Except Furniture</u> <u>Furniture and Fixtures Manufacture</u> <u>Paper and Allied Products Manufacture</u> <u>Chemicals and Allied Products Manufacture</u> <u>Petroleum Refining and Related Industries</u> <u>Rubber and Misc. Plastics Products Manufacture</u> <u>Leather and Leather Goods</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			Manufacture Stone, Clay, Glass and Concrete Products Manufacture Primary Metal Industries Fabricated Metal Products Industrial and Commercial Machinery Manufacture Heavy Machinery and Equipment Manufacture Computer and Office Equipment Manufacture Electronic and Other Electric Equipment Manufacture Railroad Equipment Manufacture Guided Missile and Space Vehicle Parts Manufacture Miscellaneous Transportation Vehicles Manufacture Measuring and Controlling Instruments Manufacture Miscellaneous Light Manufacturing Motor Vehicle and Bicycle Manufacturing Aircraft, Ship and Boat Building Tire Retreading Movie Production/Distribution Resource Land Uses Growing and Harvesting Crops Raising Livestock and Small Animals Agriculture Training Facility (*) Growing and Harvesting Forest Products Forest Research Hatchery/Fish Preserve

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
			Aquaculture Wildlife Shelters Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Resource Accessory Uses Jail Farm/Camp Public Agency Animal Control Facility Public Agency Training Facility Hydroelectric Generation Facility Soil Recycling Facility Fairground Zoo/Wildlife Exhibit³² Stadium/Arena Zoo Animal Breeding Facility (*)

B. Development Conditions.

1. Only as part of a *mixed use development* subject to the conditions of Chapter 18.3550 KMC, except that:

a. In the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to KMC 18.30.04022.020, 18.35.03017.20.125, 18.3550.050 and 18.35.17030.120;

b. In the RB zone, stand alone townhouse or stand alone apartment developments with a base density no greater than 18 dwelling units per acre may be permitted; provided, the director finds that the applicant's property contains environmental and/or access constraints that significantly hinder commercial development; and further provided, that adequate access meeting city standards is available from other public roads. The development standards for the R18 zone found in KMC 18.30.030 shall be applicable to these developments.

2.a. See 18.73.100 KMC regarding *Accessory dwelling units*:

- (1) Only one accessory dwelling per primary single detached dwelling unit;
- (2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;
- (3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

3. Except bed and breakfast guesthouses.

4. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals served to paying guests shall be limited to breakfast;

eb. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

dc. At least one off street parking stall shall be provided for each guestroom and one additional stall for each employee or worker. Parking shall be provided as required by this title; and

ed. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

5. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R 1 occupancies may accommodate up to 10 persons per night.

6. Limited to day moorage.

7. Only for stand-alone sports clubs that are not part of a park.

8. Excluding amusement and recreational uses classified elsewhere in this chapter.
9. *Social card games*, as defined by this title, are prohibited.
10. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
- 11.a. No burning of refuse or dead animals is allowed.
- b. The portion of the *building or structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas for livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
12. Except ~~SIC Industry No. 7534 — Tire Retreading~~, see manufacturing permitted use table.
13. The repair work or service shall only be performed in an enclosed *building*, and with no *outdoor storage of materials*. ~~SIC Industry No. 7532 — Top, Body, and Upholstery Repair Shops and Paint Shops~~ are not allowed.
14. Except ~~SIC Industry Group Nos. a. 835 — Day Care Services and b. 836 — Residential Care~~, which is otherwise provided for on the residential permitted use table.
15. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.
16. With the exception of *drop box facilities* for the collection and temporary storage of *recyclable materials*, all processing and storage of material shall be within enclosed *buildings*. *Yard waste processing* is not permitted.
17. Limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells.
 - b. Suspect interview rooms (except in the NB zone), or
 - c. Long-term storage of stolen properties.
18. Except in commercial/industrial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial/industrial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
19. *Vactor waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.
20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
21. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
22. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.
23. Only *hardware and garden materials stores* shall be permitted.
24. Limited to ~~SIC Industry No. 5331, Variety Stores~~, and further limited to a maximum of 2,000 square feet of gross floor area.
25. Excluding ~~SIC Industry No. 5813 — Drinking Places~~.
26. *Social card games*, as defined by this title, are prohibited.
27. Limited to photocopying and printing services offered to the general public.
28. Limited to *cogeneration* facilities for on-site use only.
29. The ~~following provisions of the table~~ apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.
- 30.a. Limited to no more than three satellite dish *antennas*.
- b. Limited to one satellite dish *antenna*.
- c. Limited to tower *consolidations*.
31. Except racing of motorized vehicles.

32. Except arboretum. See KMC 18.25.040, recreation/cultural land use table.
33. Except technical institutions. See *vocational schools* on general services land use table, KMC 18.25.050.
34. Only as a re-use of a public school facility subject to Chapter 18.7550 KMC.
35. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.7550 KMC.
36. *SCTF* Siting. *Secure community treatment/transition facilities* as defined in RCW 71.09.020 are permitted by *special use permit* in the following commercial zones: neighborhood business zone, community business, regional business, and office, subject to the following restrictions:
- a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.
 - b. Siting Criteria.
 - (1) *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
 - (2) No *SCTF* shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the city limits:
 - (A) In or within 250 feet of any residential zone district, including urban residential, or any other residentially zoned property;
 - (B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; churches, synagogues, mosque, temples and mosques; and public libraries.
 - (C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.
 - (3) The distances specified in subsection (B)(1)(3)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. On-Site Facilities Required. Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.
 - d. *Special Use Permit* Application Process. A *special use permit* application for an *SCTF* shall be accompanied by the following:
 - (1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.
 - (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
 - (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
 - (4) A detailed security plan for the facility and the residents.
 - (5) Proposed operating rules for the facility.
 - (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.
- 18.30.040 22.020
- Densities and dimensions—Commercial zones—Zoning standards.**
- The following zone-specific development standards in Table C apply in the Neighborhood Business zone:
- C. Neighborhood Business zoning standards.**

Z O N E	N B
	E U
	I S
	G I
	H N
	B E
	O S
	R S
	H
	O
	O
	D
STANDARDS	NB
Base Density: Dwelling Unit/Acre	8 du/ac (1)
Maximum Density: Dwelling Unit/Acre	12 du/ac (2)
Minimum Street Setback	10 ft (3)
Minimum Interior Setback	20 ft (4) (5)
Base Height (6)	35 ft 45 ft (7)
Maximum Floor Lot Area Ratio: Square Feet	1/1 (8)
Maximum Impervious Surface: Percentage (9)	85%

B. Development Conditions.

1. These densities are allowed only through the application of *mixed use development* standards and for stand-alone *townhouse development* in the NB zone on property designated commercial outside of center in the urban area.

2. These densities may only be achieved through the application of residential density incentives or transfer of density credits in *mixed use developments* and for stand-alone *townhouse development* in the NB zone on property designated commercial outside of center in the urban area. See Chapter 18.80 KMC.

3. Gas station pump islands shall be placed no closer than 25 feet to street front lines.

4. Required on property lines adjoining residential zones.

5. Required on property lines adjoining residential zones except when a stand-alone *townhouse development* on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing *townhouse development* is located.

6. Height limits may be increased when portions of the structure/building which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed 75 feet only in *mixed use developments*. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement; provided, that the maximum height shall not exceed 75 feet.

7. This base height allowed only for *mixed use developments* and for stand-alone *townhouse development* in the NB zone on property designated commercial outside of center in the urban area.

8. The floor ~~to area~~ ratio for mixed use developments shall conform to Chapter 18.2550 KMC.

9. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

Chapter 18.293

COMMUNITY BUSINESS ZONE

Sections:

- 18.293.010 Intent.
- 18.293.020 Use allowances.
- 18.293.030 Accessory uses.
- 18.293.040 Zoning standards.

18.293.010

Intent.

A. The purpose of the community business zone (CB) is to provide pedestrian-friendly, mixed use development that both supports larger mixed use and commercial areas with its residential development, and provide small-scale retail, office and personal services for the local community. The CB zone also provides retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wide range of the small-scale retail, professional, governmental and personal services that are found in neighborhood business areas;
2. Encouraging mixed use (housing and retail/service) developments; and
3. Excluding commercial uses with extensive outdoor storage or auto-related and industrial uses.

B. Use of this zone is appropriate in areas that are designated by the comprehensive plan and community plans and that are served at the time of development by adequate public sewers, water supply, roadstreets and other needed public facilities and services. [Ord. 07-0275 § 2.]

18.293.020

Use allowances.

The following uses listed in Table A are identified as permitted, conditionally permitted, or prohibited uses in the community business zone:

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	-------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Artists' Studios</i> <i>Arts and Crafts Schools/Studios</i> <i>Bed and Breakfast Guesthouses</i> <i>Family Child-Care Home²</i> <i>Day Care Centers I and II</i> <i>Eating and Drinking Places¹</i> <i>General Business Services</i> <i>Home Occupation</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Multiple-Family Dwelling</i> <i>Professional Offices</i> <i>Parks</i> <i>Private Stormwater Management Area/Facility</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor¹</i> <i>Services, On-Site¹</i> <i>Single Detached Dwelling Unit, Existing Legal</i> <i>Trails</i>	<i>City Government Facilities and Offices</i> <i>College/University</i> <i>Communication Facility, Major and Minor; only when on a building; prohibit stand alone</i> <i>Community Residential Facility I or II</i> <i>Conference Centers</i> <i>Cultural Facilities</i> <i>Fire Facility</i> <i>K-12 Educational Institution (public or private)</i> <i>Medical/Dental Labs</i> <i>Nursing and Personal Care Facilities</i> <i>Police Facility</i> <i>Public Agency or Utility Office: Non-city</i> <i>Recreational Facilities, Indoor</i> <i>Religious Institutions: Churches, Synagogue, Mosque, Temple</i> <i>Services, Off-Site</i> <i>Social Services, Noncorrectional</i> <i>Specialized Instruction School</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structure Supports</i> <i>Veterinary Offices/Clinics</i> <i>Vocational Schools</i>	<i>Adult Entertainment Business</i> <i>Auto Supply Stores</i> <i>Automotive Rental and Leasing</i> <i>Automotive Repair</i> <i>Automotive Service</i> <i>Bulk Retail</i> <i>Car Wash</i> <i>Construction and Trade</i> <i>Drive-Through Service</i> <i>Helistop</i> <i>Hospitals</i> <i>Hotel</i> <i>Indoor Storage</i> <i>Interim Recycling Facility</i> <i>Manufacturing</i> <i>Mobile Food Vendor</i> <i>Mobile Home Parks</i> <i>Motel</i> <i>Motor Vehicle and Boat Dealers</i> <i>Outdoor Performance Center</i> <i>Outdoor Retail Display/Sidewalk Sale</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Tow Truck Operation/Auto Yard</i> <i>Transit Center</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED

¹ Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

2. A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *city*;

d. The *family child-care home* shall comply with all applicable development standards of the *city*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and

f. The *city* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

[Ord. 07-0275 § 2.]

18.293.030**Accessory uses.**

Accessory uses, when consistent with the definitions and criteria in Chapter 18.10 and 18.20 KMC, are allowed as determined by the responsible official city manager. [Ord. 07-0275 § 2.]

18.293.040**Zoning standards.**

The following zone-specific development standards in Table B apply in the community business zone:

Table B

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	24
Minimum Density: <i>Dwelling Units</i> /Gross Acre	18
Maximum Density: <i>Dwelling Units</i> /Gross Acre	36 for mixed use development.
Minimum <i>Street Setback</i> ¹	10 feet; or 0 feet for a mixed use <i>building</i> with commercial on the ground floor or for any <i>building</i> with structured parking.
Minimum Interior <i>Setback</i> : ¹	0 feet for commercial or mixed use development except for interior lot lines adjoining property zoned R-1 to R-36. 5 feet landscaped setback for residential except for interior lot lines adjoining property zoned R-1 to R-36. For all interior lot lines adjoining a property zoned R-1 to R-36 a 15-foot landscaped setback is required.
Base Height: ²	35 feet.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards.

¹ Any portion of *development* that occurs underground is exempt from property line *setback* requirements of this code section.

² The exceptions to height limits listed in KMC 18.30.180060 do not apply to the base height allowed in the CB zone. Any *development* utilizing the exception to height limits for the CB zone between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

Exceptions to height limitations for the base height in the CB zone shall be:

- Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operations and maintenance, or for communication transmission and receiving *structures* may extend up to 10 feet above the 35-foot base height for a maximum of 25 percent of the average lot width.
- Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar *structures* may extend up to three feet above the maximum base height of 35 feet.
- Roof details or features that are used to comply with the roof form requirements of KMC 18.52.220 may extend a maximum of 10 feet above the 35-foot base height.

[Ord. 08-0291 § 1; Ord. 07-0275 § 2.]

Chapter 18.24

DOWNTOWN RESIDENTIAL ZONE

Sections:

- 18.24.010 Intent.
- 18.24.020 Use allowances.
- 18.24.030 Accessory uses.
- 18.24.040 Zoning standards.
- 18.24.050 Conflicts.

18.24.010

Intent.

A. The downtown residential zone 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 zone represents an opportunity to provide a range of housing types in the community with attention to appearance and scale.

B. 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 subsection (A) of this section. [Ord. 07-0277 § 2; Ord. 03-0175 § 18.]

18.24.020

Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown residential zone.

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	----------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Auction House, Existing⁶</i> <i>Automotive Service, Accessory¹</i> <i>Bed and Breakfast Guesthouse</i> <i>City Government Facilities and Offices</i> <i>Community Residential Facility I or II</i> <i>Cultural Facilities</i> <i>Family Child-Care Home⁸</i> <i>Day Care I or II ²</i> <i>Home Occupation</i> <i>Multiple-Family Dwelling³</i> <i>On-Site Services ⁴</i> <i>Parking: Off-Street Required Parking Lot or Structure</i> <i>Parks</i> <i>Professional Office⁴</i> <i>Recreation, Indoor: Sports Club</i> <i>Retail Sales, Indoor ⁴</i> <i>Single Detached Dwelling Unit, Existing</i> <i>Legal</i> <i>Trails</i> <i>Vehicle Auction, Existing⁷</i>	<i>Communication Facility, Major ⁵</i> <i>Eating and Drinking Places</i> <i>Nursing and Personal Care Facilities</i> <i>Religious Institutions: Churches, Synagogue, Mosque, Temple</i> <i>Social Services, Noncorrectional</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i>	<i>Indoor Storage</i> <i>Mobile Home Parks</i> <i>Outdoor Storage</i> <i>Public Agency or Utility Office: Noncity</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i>

¹ Only permitted when accessory to and contained within a structured parking garage.

² *Day care II* permitted only when accessory to a school, church, *park*, *sport club* or public housing administered by a *public agency*.

³ *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, Downtown Design Standards.

⁴ Permitted only as part of a *mixed use development*, and must occupy 50 percent of the *ground floor at street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

⁵ Limited to tower *consolidations*.

⁶ Except for vehicle and animal auction *uses*. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *city's* approval of a site improvement plan that addresses the following issues:

- Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
- Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
- Ensures that expanded accessory parking area is not used for storage.

⁷ Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown residential zone located east of 68th Avenue NE, and north of NE 182nd Street that ~~is~~are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking outlined below, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the city's approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the city to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

⁸ A family child-care home is permitted in an existing legal single detached dwelling unit subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The family child-care home shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a family child-care home;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the city;

d. The family child-care home shall comply with all applicable development standards of the city, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and

f. The city has the authority to limit the hours of operation to facilitate neighborhood compatibility.

[Ord. 07-0277 § 2; Ord. 03-0175 § 18.]

18.2~~4~~.030

Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the ~~responsible official~~city manager. [Ord. 03-0175 § 18.]

18.2~~4~~.040

Zoning standards.

Specific zone-based development standards for the downtown residential zone in Table B apply to the DR zone as follows:

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i>	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units/Gross Acre with Density Bonus Incentives</i>	72; density incentives or bonuses not required west of 68th Avenue NE

STANDARD	REQUIREMENT
Minimum Density: <i>Dwelling Units/Net Acre</i>	18 – <i>Townhouse</i> only <i>development</i> 18-36 – <i>Townhouse/apartment</i> combination <i>development</i> 36 – <i>Apartments</i>
Minimum Lot Width	<i>Townhouse</i> – 20 ft. <i>Apartment</i> – 30 ft.
Minimum <i>Street Setback</i>	Primary <i>structure</i> – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum <i>Street Setback</i>	West of 68th Avenue NE, the maximum <i>setback</i> is 10 ft.
Minimum Interior <i>Setback</i>	5 ft.; otherwise when adjoining property zoned R-1 to R- 8 zone then 20 ft.
Maximum Height	East of 68th Avenue NE – 60 ft. or 80 ft. if providing density incentives per Chapter 18.80 KMC West of 68th Avenue NE – 80 ft. ¹
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections shall be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

¹ Through the design review process the ~~director~~*city manager* may require greater upper story setbacks, or mass and bulk reductions, than otherwise stated in KMC 18.52.310 in order to achieve greater compatibility of *development* where DR zoned property abuts property zoned R-1 to R-12. For example, greater upper story setbacks may be required in proportion to the height of *structures* above 60 feet.

[Ord. 07-0260 § 1; Ord. 03-0175 § 18.]

18.2~~4~~*5*.050

Conflicts.

In the event of conflict between Chapter 18.52 KMC, Downtown Design Standards, and downtown residential zone standards, the Kenmore downtown design standards shall prevail. [Ord. 03-0175 § 18.]

Chapter 18.2~~4~~*5*

DOWNTOWN COMMERCIAL ZONE

Sections:

- 18.2~~4~~*5*.010 Intent.
- 18.2~~4~~*5*.020 Use allowances.
- 18.2~~4~~*5*.030 Accessory uses.
- 18.2~~4~~*5*.040 Zoning standards.
- 18.2~~4~~*5*.050 Conflicts.

18.255.010**Intent.**

A. The downtown commercial zone 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 *critical 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.

B. *Uses* not compatible with the downtown commercial zone 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 not permitted. 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 subsection (A) of this section of this intent statement. *Park-and-ride/transit centers* are promoted along SR-522, particularly in the northwest quadrant of the 68th Avenue NE/SR-522 intersection. [Ord. 07-0277 § 2; Ord. 03-0175 § 17.]

18.255.020**Use allowances.**

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown commercial zone:

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	----------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult Entertainment Businesses¹¹</i> <i>Artists Studios</i> <i>Arts and Crafts Schools/Studios</i> <i>Auction House, Existing¹²</i> <i>Auto Supply Stores</i> <i>Automotive Rental and Leasing, Accessory¹</i> <i>Automotive Repair, Accessory¹</i> <i>Automotive Repair, Existing Legal¹⁰</i> <i>Automotive Service, Accessory¹</i> <i>Automotive Service, Existing Legal¹</i> <i>Bed and Breakfast Guesthouse²</i> <i>Car Wash, Accessory¹</i> <i>City Government Facilities and Offices</i> <i>Conference Centers</i> <i>Cultural Facilities</i> <i>Day Care Centers I and II</i> <i>Drive-Through Service³</i> <i>Eating and Drinking Places</i> <i>Gasoline Service Stations, Existing Legal</i> <i>General Business Services</i> <i>Home Occupation</i> <i>Hotel</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Mobile Food Vendor⁴</i> <i>Motor Vehicle and Boat Dealers, Accessory¹</i> <i>Multiple-Family Dwelling⁵</i> <i>Off-Site Services⁸</i> <i>Outdoor Performance Center⁶</i> <i>Outdoor Retail Display/Sidewalk Sale⁷</i> <i>Professional Offices</i> <i>Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure⁹</i> <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Recreational Facilities, Indoor</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor</i> <i>Services, On-Site</i> <i>Social Services, Noncorrectional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Trails</i>	<i>College/University</i> <i>Communication Facility, Major and Minor: Only when on building; prohibit stand alone</i> <i>Community Residential Facility I or II</i> <i>Fire Facility</i> <i>Helistop</i> <i>Hospitals</i> <i>K-12 Educational Institution (public or private)</i> <i>Medical/Dental Labs</i> <i>Police Facility</i> <i>Public Agency or Utility Office: Noncity</i> <i>Religious Institutions: Churches, Synagogue, Mosque, Temple</i> <i>Social Services, Correctional</i> <i>Specialized Instruction School</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i> <i>Vocational School</i>	<i>Automotive Rental and Leasing, New, Nonaccessory</i> <i>Automotive Repair, New, Nonaccessory</i> <i>Automotive Service, New, Nonaccessory</i> <i>Bulk Retail</i> <i>Car Wash, Nonaccessory</i> <i>Construction and Trade</i> <i>Gasoline Service Stations, New</i> <i>Indoor Storage</i> <i>Interim Recycling Facility</i> <i>Manufacturing</i> <i>Motel</i> <i>Motor Vehicle and Boat Dealers, Nonaccessory</i> <i>Nursing and Personal Care Facilities</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services, with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Tow Truck Operation/Auto Impoundment Yard</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Transit Center</i> ⁹ Vehicle Auction, Existing ¹³ Veterinary Offices/Clinics: No outdoor kennels or facilities		

- ¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing uses, or *motor vehicle and boat dealer uses*, may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair use and consistent with the following: (a) motor vehicles for sale, lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (c) shall be subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.
- ² Permitted only if part of a *mixed use development*.
- ³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of the ordinance codified in this title shall be permitted *drive-through service*. Where allowed, *drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan *or building permit* review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.
- ⁴ *Mobile food vendors* are permitted subject to the following requirements:
- The stand is located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - The stand location on the sidewalk or near a storefront provides for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - No permanent fencing, walls, or other *structures* are installed which hinder removal of the *structure* from the *site*;
 - No required parking stall shall be blocked or unusable as a result of the mobile vendor;
 - Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a *use*, such operation is removed daily at the time of or prior to the close of business hours;
 - A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.5042 KMC.
- ⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE such *uses* shall be subject to the following conditions:
- A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate *structures*, the 80 percent requirement shall apply to the *lot's* lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
 - The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

- c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.
- 6 Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.
- 7 *Outdoor retail displays/sidewalk sales* are permitted subject to:
 - a. The *outdoor retail display* ~~or~~ *sidewalk sale* shall be accessory to a permitted permanent commercial *use*;
 - b. Fire lanes shall remain fully open and accessible at all times;
 - c. The location on sidewalk or near storefront is barrier-free;
 - d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display* ~~or~~ *sidewalk sale*;
 - e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. Such display and activity is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance signage in accordance with the sign code, Chapter 18.5042 KMC.
- 8 When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *use* shall be housed on floors other than the *ground floor* street front facade.
- 9
 - a. Within the zone north of SR-522 and west of 68th Avenue NE, *transit centers* and commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Transit centers* or *commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center* or *commuter parking lot*.
 - b. Parking structures, in whatever location in the zone, shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, Downtown Design Standards.
 - c. Parking structures shall be designed consistent with Chapter 18.52 KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.
- 10 In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service *uses* as of the effective date of the ordinance codified in this section April 28, 2003 shall be considered *existing legal uses*. Otherwise prohibited.
- 11 It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *use* in this subsection, without regard to intervening *structures* or objects, if any:
 - a. Residentially zoned property;
 - b. Public or *private* school for general education of any grade K through 12;
 - c. School bus stop;
 - d. Licensed *day_care* or licensed preschool facility;
 - e. Public *park*;
 - f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by SR 522;
 - g. Sports fields or playgrounds;
 - h. Recreation or community center;
 - i. *Church, synagogue, mosque, temple, mosque,* or other house of religious worship;
 - j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

~~“Adult entertainment business” shall mean a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title 5.~~

- 12 Except for vehicle and animal auction uses. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use’s* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *city’s* approval of a site improvement plan that addresses the following issues:
 - a. Submittal of a long-term parking management plan that shows how the *use’s* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
 - b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
 - c. Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
 - d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
 - e. Ensures that expanded accessory parking area is not used for storage.
- 13 Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown commercial zone located east of 68th Avenue NE, and north of NE 182nd Street that ~~are~~ being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking noted in this subsection, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted; however, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *city’s* approval of a site improvement plan that addresses the following issues:
 - a. Submittal of a long-term parking management plan that shows how the *use’s* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
 - b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
 - c. Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
 - d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
 - e. Ensures that expanded accessory parking area is not used for storage.

[Ord. 07-0277 § 2; Ord. 07-0256 § 4; Ord. 03-0175 § 17.]

18.2~~55~~.030

Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the ~~responsible official~~*city manager*. [Ord. 03-0175 § 17.]

18.2~~55~~.040

Zoning standards.

The following zone-specific development standards in Table B apply in the downtown commercial zone:

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units</i> /Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: <i>Dwelling Units</i> /Net Acre for Stand-Alone Multifamily Proposals	36
Street Setback	Minimum 10 ft. from SR-522, unless otherwise allowed through the Chapter 18.52 KMC, Downtown Design Standards; other <i>streets</i> 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards The city may authorize intrusions of structural elements into the public right-of-way, including awnings, columns, bay windows, or others. Subject to through the design review, site plan review, building permit review, and/or right-of-way use permits, processes, the city may authorize intrusions of structural elements into the public right-of-way including awnings, columns, bay windows, or others when if such intrusions would not impede safe travel by pedestrians, solar access is not significantly diminished, and city liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	35 ft.
Maximum Height Applicable to <i>mixed use developments</i> containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to <i>developments</i> achieving density bonus; or to <i>developments</i> providing structured parking	65 ft.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

[Ord. 07-0267 § 3; Ord. 04-0197 § 1; Ord. 03-0175 § 17.]

18.255.050

Conflicts.

In the event of conflict between Chapter 18.52 KMC, Downtown Design Standards, and downtown commercial zone standards, the Kenmore downtown design standards shall prevail. [Ord. 03-0175 § 17.]

Chapter 18.26**REGIONAL BUSINESS ZONE****Sections:**

18.26.020 Use allowances.

18.26.040 Zoning standards.

~~18.25.140~~ 18.26.060 Regional business zone – Existing legal uses.**18.26.020****Use allowances.**

The following *uses* listed in Table A are identified as permitted, conditionally permitted, special uses, or *prohibited uses* in the regional business zone:

Table A. Regional Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
<u>Townhouse Multiple</u>	<u>Bed and Breakfast</u>	<u>Outdoor Performance Center</u>	<u>Single Detached Dwelling</u>
<u>Family Dwelling¹</u>	<u>Guesthouse^{4, 6}</u>	<u>Jail</u>	<u>Unit</u>
<u>Apartment⁴</u>	<u>Destination Resorts</u>	<u>Work Release Facility</u>	<u>Family Child-Care Home</u>
<u>Community Residential</u>	<u>Theater, Drive-in</u>	<u>Public Agency Animal Control</u>	<u>Designated Manufactured</u>
<u>Facility I¹</u>	<u>Shooting Range¹¹</u>	<u>Facility</u>	<u>Home</u>
<u>Community Residential</u>	<u>Amusement Park</u>	<u>Public Agency Training</u>	<u>Mobile Home and</u>
<u>Facility II¹</u>	<u>Cemetery, Columbarium or</u>	<u>Facility³³</u>	<u>Manufactured Home</u>
<u>Senior Citizen-Assisted</u>	<u>Mausoleum¹³</u>	<u>Nonhydroelectric Generation</u>	<u>Mobile Home Park</u>
<u>Housing-Assisted Living¹</u>	<u>Secondary or High School</u>	<u>Facility</u>	<u>Dormitory</u>
<u>Residential Accessory</u>	<u>Helistop²⁴</u>	<u>Oil and Gas Extraction</u>	<u>Home Industry</u>
<u>Uses²</u>	<u>Food and Kindred Products</u>	<u>Energy Resource Recovery</u>	<u>Campgrounds</u>
<u>Home Occupation</u>	<u>Manufacture</u>	<u>Facility</u>	<u>Recreational Vehicle Park</u>
<u>Hotel/Motel³</u>	<u>Winery/Brewery</u>	<u>Landfill</u>	<u>Ski Area (*)</u>
<u>Organization</u>	<u>Apparel and Other Textile</u>	<u>Transfer Station</u>	<u>Golf Facility</u>
<u>Hotel/Lodging Houses</u>	<u>Products Manufacture</u>	<u>Wastewater Treatment</u>	<u>Drycleaning Plants</u>
<u>Park</u>	<u>Wood Products Manufacture,</u>	<u>Facility</u>	<u>Industrial Launderers</u>
<u>Trails</u>	<u>Except Furniture²⁹</u>	<u>Municipal Water Production</u>	<u>Stable</u>
<u>Marina</u>	<u>Furniture and Fixtures</u>	<u>Airport/Heliport</u>	<u>Elementary School</u>
<u>Sports Club⁷</u>	<u>Manufacture</u>	<u>Transit Bus Base</u>	<u>Middle/Junior High School</u>
<u>Adult Entertainment</u>	<u>Printing and Publishing</u>	<u>School Bus Base</u>	<u>Warehousing and Wholesale</u>
<u>Business⁸</u>	<u>Leather and Leather Goods</u>	<u>Racetrack³⁶</u>	<u>Trade²¹</u>
<u>Theater</u>	<u>Manufacture</u>	<u>Fairground</u>	<u>Farm Product Warehousing,</u>
<u>Bowling Center</u>	<u>Computer and Office</u>	<u>Zoo/Wildlife Exhibit³⁷</u>	<u>Refrigeration and Storage</u>
<u>Amusement and Recreation</u>	<u>Equipment Manufacture</u>	<u>Stadium/Arena</u>	<u>Log Storage</u>
<u>Services^{9, 10}</u>	<u>Electronic and Other Electric</u>	<u>Secure Community Transition</u>	<u>Transportation Service</u>
<u>Amusement Arcades</u>	<u>Equipment Manufacture</u>	<u>Facilities³⁹</u>	<u>Heavy Equipment and Truck</u>
<u>Library</u>	<u>Measuring and Controlling</u>		<u>Repair</u>
<u>Museum</u>	<u>Instruments Manufacture</u>		<u>Agricultural Product Sales</u>
<u>Arboretum</u>	<u>Miscellaneous Light</u>		<u>Livestock Sales</u>
<u>Conference Center</u>	<u>Manufacturing³²</u>		<u>Textile Mill Products</u>
<u>General Personal Service</u>	<u>Tire Retreading</u>		<u>Paper and Allied Products</u>
<u>Funeral Home/Crematory</u>	<u>Nonhydroelectric Generation</u>		<u>Manufacture</u>
<u>Cemetery, Columbarium</u>	<u>Facility³⁴</u>		<u>Chemicals and Allied</u>
<u>or Mausoleum¹²</u>			<u>Products Manufacture</u>
<u>Day Care I</u>			<u>Petroleum Refining and</u>
<u>Day Care II</u>			<u>Related Industries</u>
<u>Veterinary Clinic¹⁴</u>			<u>Rubber and Misc. Plastics</u>
<u>Automotive Repair¹⁵</u>			<u>Products Manufacture</u>
<u>Automotive Service</u>			<u>Primary Metal Industries</u>
<u>Miscellaneous Repair</u>			<u>Fabricated Metal Products</u>
<u>Churches, Synagogue,</u>			<u>Industrial and Commercial</u>

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
Mosque, Temple Social Services¹⁶ Kennel or Cattery Theatrical Production Services¹⁷ Artist Studios Interim Recycling Facility Medical/Dental Office/Outpatient Clinic Nursing and Personal Care Facilities Hospital Medical/Dental Lab Miscellaneous Health Services Vocational School Specialized Instruction School School District Support Facility Government/Business Services Land Uses; except Warehousing and Wholesale Trade; Farm Product Warehousing; Refrigeration and Storage; Log Storage; Transportation Service; Heavy Equipment and Truck Repair; and Helistop^{18,19,20,22,23} Public Agency or Utility Office Public Agency or Utility Yard Public Agency Archives Court Police Facility Fire Facility Utility Facility Commuter Parking Lot Private Stormwater			Machinery Manufacture Heavy Machinery and Equipment Manufacture Railroad Equipment Manufacture Guided Missile and Space Vehicle Parts Manufacture Miscellaneous Transportation Vehicles Manufacture Motor Vehicle and Bicycle Manufacturing Aircraft, Ship and Boat Building Resource Land Uses Growing and Harvesting Crops Raising Livestock and Small Animals Agriculture Training Facility (*) Growing and Harvesting Forest Products Forest Research Hatchery/Fish Preserve Aquaculture Wildlife Shelters Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Resource Accessory Uses Jail Farm/Camp Hydroelectric Generation Facility Soil Recycling Facility Zoo Animal Breeding Facility (*)

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
Management Facility Vector Waste Receiving Facility Construction and Trade Individual Transportation and Taxi Trucking and Courier Service Self-Service Storage Freight and Cargo Service Passenger Transportation Service Communication Offices Telegraph and Other Communications General Business Service Professional Office Outdoor Advertising Service Miscellaneous Equipment Rental Automotive Rental and Leasing Automotive Parking Professional Sports Teams/Promoters Research, Development and Testing Commercial/Industrial Accessory Uses Retail Land Uses, except Agricultural Product Sales and Livestock Sales ^{25,26,27,28} Building, Hardware and Garden Materials Stores Forest Product Sales Department and Variety Stores Food Stores Motor Vehicle and Boat Dealers Auto Supply Stores			

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>
Gasoline Service Stations Apparel and Accessory Stores Furniture and Home Furnishings Stores Eating and Drinking Places Drug Stores Liquor Stores Used Goods: Antiques/Secondhand Shops Sporting Goods and Related Stores Book, Stationery, Video & Art Supply Stores Jewelry Stores Monuments, Tombstones and Gravestones Sales Hobby, Toy, Game Shops Photographic and Electronic Shops Fabric Shops Fuel Dealers Florist Shops Personal Medical Supply Stores Pet Shops Bulk Retail Auction Houses Printing and Publishing ³⁰ Stone, Clay, Glass and Concrete Products Manufacture ³¹ Miscellaneous Light Manufacturing ³² Movie Production/Distribution Communication Facility ³⁵ Earth Station College/University ³⁸			

<u>PERMITTED USE</u>	<u>CONDITIONAL USE</u>	<u>SPECIAL USE</u>	<u>PROHIBITED</u>

B. Development Conditions.

1. Only as part of a *mixed use development* subject to the conditions of Chapter 18.3550 KMC, except that:

a. In the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to KMC 18.30.040, 18.35.030, 18.35.050 and 18.35.170;

ba. In the RB zone, stand-alone townhouse or stand-alone apartment developments with a base density no greater than 18 dwelling units per acre may be permitted; provided, the director/city manager finds that the applicant's property contains environmental and/or access constraints that significantly hinder commercial development; and further provided, that adequate access meeting city standards is available from other public roadstreets. The development standards for the R18 zone found in KMC 18.30.030 shall be applicable to these developments.

2.a. See 18.73.100 KMC regarding a Accessory dwelling units;

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

3. Except bed and breakfast guesthouses.

4. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals served to paying guests shall be limited to breakfast;

eb. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

dc. At least one off street parking stall shall be provided for each guestroom and one additional stall for each employee or worker. Parking shall be provided as required by this title; and

ed. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

5. Reserved. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R-1 occupancies may accommodate up to 10 persons per night.

6. Only if part of a mixed use development, and subject to the conditions of subsection (B)(10) 4 of this section.

7. Only for stand-alone sports clubs that are not part of a park.

8. It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 330 feet, measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels containing the use in this subsection, without regard to intervening structures or objects, if any:

a. Residentially zoned property;

b. Public or private school for general education of any grade K through 12;

c. School bus stop;

d. Licensed day care or licensed preschool facility;

e. Public park;

f. Publicly dedicated trail; provided, however, that the setback distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. Church, synagogue, mosque, temple, mosque, or other house of religious worship;

j. Public library.

It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 500 feet of another adult entertainment business, measured from the property line of the parcel or parcels containing the adult entertainment business and the proposed adult entertainment business.

"Adult entertainment business" shall mean a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title 5.

9. Excluding amusement and recreational uses classified elsewhere in this chapter.

10. *Social card games*, as defined by this title, are prohibited.

11.a. Only in an enclosed *building*, and subject to the licensing provisions of KMC Title 5;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) Installing ventilation systems that provide sufficient clean air in the user's breathing zone;

and

(2) Adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

12. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.

13. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

14.a. No burning of refuse or dead animals is allowed;

b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and

c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.

15. Except SIC Industry No. 7534 -- Fire Retreading, see manufacturing permitted use table.

16. Except SIC Industry Group Nos.

a. 835 -- Day Care Services, and

b. 836 -- Residential Care, which is otherwise provided for on the residential permitted land use table.

17. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed *day care* centers, *parks*, community centers, public libraries or churches that conduct religious or educational classes for minors.

18. *Private stormwater management facility* is permitted. Except that in commercial/industrial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial/industrial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

19. A *vactor waste receiving facility* is permitted, however, *vactor waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.

20. *Trucking and courier service* is permitted, but is limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215 -- Courier Services, except by air.

21. Except *self-service storage*.

22. *Automotive parking* is permitted with No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

23. *Research, development and testing* is permitted. Except SIC Industry No. 8732 -- Commercial, Economic, Sociological, and Educational Research. See *general business service/office*.

24. Allowed as accessory to an allowed use.

25. *Motor vehicle and boat dealers* are permitted, *Excluding* retail sale of trucks exceeding one-ton capacity.

26. *Auto supply stores* are permitted, but Only for the sale of new or reconditioned automobile supplies is permitted.

27. *Eating and drinking places* are permitted, but *Social card games*, as defined by this title, are prohibited.

28. Auction houses are permitted, excluding vehicle and livestock auctions.
29. Limited to uses found in SIC Industry No. 2434 — Wood Kitchen Cabinets and No. 2431 — Millwork (excluding planing mills).
30. Limited to photocopying and printing services offered to the general public.
31. Only within enclosed buildings.
32. Existing light manufacturing uses are permitted as “existing legal.” New light manufacturing uses require a conditional use permit.
33. Except weapons armories and outdoor shooting ranges.
34. Limited to cogeneration facilities for on-site use only.
35. The following provisions of the table apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in Chapter 18.60 KMC.
36. Except racing of motorized vehicles.
37. Except arboretum. See KMC 18.25.040, recreation/cultural land use table.
38. Except technical institutions. See vocational schools on general services land use table, KMC 18.25.050.
39. SCTF Siting. Secure community treatment/transition facilities as defined in RCW 71.09.020 are permitted by special use permit in the following commercial zones: neighborhood business, community business, regional business, and office, zone subject to the following restrictions:
 - a. Maximum Number of Residents. No SCTF shall house more than three persons, excluding resident staff.
 - b. Siting Criteria.
 - (1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
 - (2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the city limits:
 - (A) In or within 250 feet of any residential zone district, including urban residential, or any other residentially zoned property;
 - (B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; churches, synagogues, mosques, temples and mosques; and public libraries.
 - (C) One mile from any existing SCTF, work release, prerelease, or similar facility.
 - (3) The distances specified in subsection (B)(1)(B)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. On-Site Facilities Required. Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.
 - d. Special Use Permit Application Process. A special use permit application for an SCTF shall be accompanied by the following:
 - (1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.
 - (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
 - (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
 - (4) A detailed security plan for the facility and the residents.
 - (5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.26.040

Zoning standards.

The following zone-specific development standards in Table C apply in the regional business zone:

C. Regional Business zoning standards.

STANDARDS	Z O N E	R B E U G S I I O N N E A S L S
		RB
Base Density: Dwelling Unit/Acre		36 du/ac (1)
Maximum Density: Dwelling Unit/Acre		48 du/ac (2)
Minimum Street Setback		10 ft (3)
Minimum Interior Setback		20 ft (4)
Base Height (5)		35 ft 65 ft (6)
Maximum Floor/Lot Area Ratio: Square Feet		2.5/1 (7)
Maximum Impervious Surface: Percentage (8)		90%

D. Development Conditions.

1. These densities are allowed only through the application of *mixed use development* standards and for *stand alone townhouse development* in the NB zone on property designated commercial outside of center in the urban area.

2. These densities may only be achieved through the application of residential density incentives or *transfer of density credits in mixed use developments* and for *stand alone townhouse development* in the NB zone on property designated commercial outside of center in the urban area. See Chapter 18.80 KMC.

3. Gas station pump islands shall be placed no closer than 25 feet to *street front lines*.

4. Required on property lines adjoining residential zones.

5. Height limits may be increased when portions of the *structure/building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may exceed 75 feet only in *mixed use developments*. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf

driving ranges are exempt from the additional interior *setback* requirement; provided, that the maximum height shall not exceed 75 feet.

6. This base height allowed only for *mixed use developments* and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. The *floor-to-area* ratio for *mixed use developments* shall conform to Chapter 18.3550 KMC.

8. The *impervious surface* area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

18.25.11026.060 Regional business zone – Existing legal uses.

A. Regional Business Zone – Existing Legal Uses.

Specific Land Use	RB
<i>Existing legal uses</i> as of May 8, 2003, which are not otherwise allowed as a permitted use, conditional use, or special use in KMC 18.25.030(A) to 18.25.100(A)26, or a P-suffix or special overlay district pursuant to Chapter 18.8247 KMC.	P

[Ord. 03-0175 § 13.]

Chapter 18.28B27

PUBLIC AND SEMI-PUBLIC ZONE

Sections:

- 18.28B7.010 Public and semi-public zone – Intent.
- 18.28B7.020 Public and semi-public zone – Use allowances.
- 18.28B7.030 Public and semi-public zone – Accessory uses.
- 18.28B7.040 Public and semi-public zone – Development standards.
- 18.28B7.050 Public and semi-public zone – Additional development standards.
- 18.28B7.060 Public and semi-public zone – *Master planSite plan review* process.
- 18.28B7.070 Public and semi-public zone – Rezone criteria.

18.28B7.010

Public and semi-public zone – Intent.

The public and semi-public zone includes properties currently owned or operated by a public entity or private institution. *Uses* in the public and semi-public zone include but are not limited to the City Hall, fire stations, library properties, education facilities, public park-and-ride lots, *utility facilities* and other institutional *uses*. The purpose of the public and semi-public zone is to recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land *uses* must be considered when developing public and semi-public facilities. New facilities should include buffers, *landscaping*, and design standards to ensure compatibility with adjacent land *uses* and zones. Sidewalks, open

public spaces and amenities should be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and *recreational facilities* where appropriate to the character of the neighborhood. The public and semi-public zone is applied to lands used for public and semi-public facilities and institutions designated as public and private facilities on the comprehensive plan land use map. **Master plans are encouraged for uses in the public and semi-public zone.** [Ord. 08-0293 § 2.]

18.287.020**Public and semi-public zone – Use allowances.**

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
-----------	-------------------------	---

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
Arboretum Caretaker Residence, Accessory City Government Facilities and Offices Commuter Parking Lot Conference Center Cultural Facilities Fire Facility Indoor Recreational Facilities; Excluding Sports Clubs K – 12 Educational Institutions (Public or Private) Open Space Outdoor Recreational Facilities Parks Police Facility Private Stormwater Management Facility Public Agency or Utility Office: Noncity Trails Utility Facility	Communication Facility, Major and Minor: Only When on Building: Prohibit Standalone Maintenance Yards or Facilities, Accessory Outdoor Performance Center Colleges/Universities	Jail Work Release Facility Landfill Transfer Station

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)

B. **Classified** land uses not listed **or prohibited** in Table A may be allowed through completion of a **master plan site plan review** process pursuant to KMC 18.28B27.060 and Chapter 19.2318.105 KMC.

C. *Uses Established by Master Plan.* Adopted *master plans* that specify *uses* include the following:

1. Bastyr University Master Plan, December 2009, approved by city of Kenmore Ordinance 09-0304. [Ord. 09-0304 § 5 (Exh. C); Ord. 08-0293 § 2.]

18.28B7.030

Public and semi-public zone – Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the **director/city manager**. [Ord. 08-0293 § 2.]

18.28B7.040

Public and semi-public zone – Development standards.

A. Specific zone-based development standards for the public and semi-public zone in Table B shall apply to the public and semi-public zone as follows:

Table B. Public and Semi-Public Zone Development Standards

Standard	Requirement
Maximum Density: <i>Dwelling Units/Gross Acre</i>	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ³
Minimum <i>Interior Setback</i>	0 ft., 5 ft., or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	70%, 90% ⁵

¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal lot as of December 16, 2008.

² The minimum lot size may be reduced if the **director/city manager** determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

- ³ a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:
 - (1) Zero feet if adjacent zoning is downtown commercial or downtown residential.
 - (2) Twenty feet if adjacent zoning is R-1 to R-~~86~~.
 - (3) Ten feet in all other cases.
- b. *Interior setbacks*: zero feet if adjacent zoning is downtown commercial or downtown residential; 20 feet if adjacent zoning is R-1 to R-~~86~~; five feet in all other cases.
- ⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.
- ⁵ a. Ninety percent if abutting properties are zoned downtown commercial or downtown residential or regional business. Seventy percent in all other cases.
- b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.
- B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.105115.030, or through a *master plansite plan review* process in KMC 18.2~~BB7~~.060. [Ord. 08-0293 § 2.]

18.2~~BB7~~.050

Public and semi-public zone – Additional development standards.

A. Where the public and semi-public zone abuts a residential zone, the *director/city manager* may require a *landscaping* screen pursuant to Chapter 18.4035 KMC in order to screen views of parking lots, accessory *buildings*, or other features within the public and semi-public zone. Aesthetic safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met.

D. Properties abutting lands designated as downtown commercial, downtown residential, or regional business shall be subject to design standards of Chapter 18.52 KMC. [Ord. 08-0293 § 2.]

18.2~~BB7~~.060

Public and semi-public zone – *Master-planSite plan review* process.

Project sponsors in the public and semi-public zone shall *prepare a master plan* *undergo site plan review* for purposes of establishing *classified* land uses or activities not otherwise established in KMC 18.2~~BB7~~.020 as permitted or conditionally permitted, in accordance with Chapter 19.2318.105 KMC. *Master-plansite plan review* shall not be used to establish *prohibited uses* listed in KMC 18.2~~BB7~~.020. A *master-plansite plan review* shall be processed consistent with Chapter 19.2318.105 KMC. [Ord. 08-0293 § 2.]

18.2~~BB7~~.070

Public and semi-public zone – Rezone criteria.

A. The public and semi-public zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the public and semi-public zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC.

C. Properties that are designated public and semi-public and that are less than one acre in size may be reclassified to the most prevalent zoning district surrounding the property through consideration of the Type 4

permit process, provided the requested zoning classification does not conflict with the overall intent of the public and private facilities comprehensive plan land use designation. [Ord. 08-0293 § 2.]

Chapter 18.28

PARKS ZONE

Sections:

- 18.28.010 Parks zone – Intent.
- 18.28.020 Parks zone – Use allowances.
- 18.28.030 Parks zone – Accessory uses.
- 18.28.040 Parks zone – Development standards.
- 18.28.050 Parks zone – Additional development standards.
- 18.28.060 Parks zone – ~~Master plan~~Site plan review process.
- 18.28.070 Parks zone – Rezone criteria.

18.28.010

Parks zone – Intent.

The parks zone provides for *parks*, recreational, *open space*, and resource *uses* within publicly owned lands, and establishes standards that allow for such *uses* to continue or be established while ensuring compatibility with surrounding *uses*. Secondary *uses* include utilities. The parks zone is applied to lands used for public *parks*, recreation, and *open space* purposes and designated as public and private facilities on the comprehensive plan land use map. ~~Master plans are encouraged for park uses.~~ [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.020

Parks zone – Use allowances.

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the parks zone.

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
-----------	----------------------------	--

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Arboretum Boat launch Caretaker Residence, Accessory ⁴³ City Government Facilities and Offices Cultural Facilities Dock Dwelling Unit, Single Detached ¹ Indoor Recreational Facilities: Excluding Sports Clubs Mobile Food Vendor, Accessory ² Open Space Outdoor Recreational Facilities Parks Private Stormwater Management Facility Trails Utility Facility Wildlife Shelter		Drinking places Service of alcoholic beverages, except by temporary use permit per Chapter 18.75100 KMC or except by temporary usage of facilities in accordance with Chapter 9.40 KMC for city facilities. ³ Residential Dwelling, Nonaccessory

¹ One dwelling allowed per existing legal lot as of December 11, 2006.

² Mobile food vendor requirements:

- a. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
- b. No required parking stall shall be blocked or unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.5042 KMC.

³ See SIC 5813 for a description of drinking places.

⁴³ Attached dwellings may only be allowed as a reuse of a surplus nonresidential facility subject to Chapter 18.7550 KMC.

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a master plan site plan review process pursuant to KMC 18.28.060 and Chapter 19.2318.105 KMC. Proponents of projects that include land uses of different sizes or dimensions than those allowed in Table A may also request allowance of such uses pursuant to KMC 18.28.060 and Chapter 19.2318.105 KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.030

Parks zone – Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the director/city manager. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.040**Parks zone – Development standards.**

A. Specific zone-based development standards for the parks zone in Table B shall apply to the parks zone as follows:

Table B. Parks Zone Development Standards

STANDARD	REQUIREMENT
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ³
Minimum Interior <i>Setback</i>	5 ft. or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	2 – 30% ⁵

¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal lot as of December 11, 2006. Caretaker residence, accessory: when attached may only be allowed as a reuse of a surplus nonresidential facility subject to Chapter 18.7550 KMC.

² The minimum lot size may be reduced if the **director/city manager** determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

³ a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:

(1) Zero feet if adjacent zoning is downtown commercial or residential.

(2) Twenty feet if adjacent zoning is R-1 to R-**B6**.

(3) Ten feet in all other zones.

b. *Interior setbacks*: 20 feet if adjacent zoning is R-1 to R-**B6**; five feet in all other zones.

⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and *interior setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet.

⁵ a. For the purposes of this zone, paved *trails* are not considered *impervious surface*; provided, that city stormwater and other applicable requirements are met.

b. The following maximum *impervious surface* standards apply based on the size of the *park* property;

(1) One hundred acres or greater: five percent.

(2) Thirty to 100 acres: 10 percent.

(3) Less than 30 acres: 30 percent.

c. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.405115.030, or through a *master-plansite plan review* process in KMC 18.28.060. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.050**Parks zone – Additional development standards.**

A. Where the parks zone abuts a residential zone, the **director/city manager** may require a *landscaping* screen pursuant to Chapter 18.4035 KMC in order to screen views of parking lots, accessory *buildings*, or

other features within the parks zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met. The **director/city manager** shall have the authority to waive the requirement to provide lighting. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.060

Parks zone – ~~Master plan~~Site plan review process.

Project sponsors in the parks zone shall ~~prepare a master plan~~**undergo site plan review** for purposes of establishing **classified** land uses or activities not otherwise established in KMC 18.28.020 as permitted or conditionally permitted, in accordance with Chapter **19.2318.105** KMC. ~~Master plans~~**Site plan review** shall not be used to establish *prohibited uses* listed in KMC 18.28.020. A ~~master plan~~**site plan review** shall be processed consistent with Chapter **19.2318.105** KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.070

Parks zone – Rezone criteria.

A. The parks zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the parks zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

Chapter 18.28A

GOLF COURSE ZONE

Sections:

- 18.28A.010 Golf course zone – Intent.
- 18.28A.020 Golf course zone – Use allowances.
- 18.28A.030 Golf course zone – Accessory uses.
- 18.28A.040 Golf course zone – Development standards.
- 18.28A.050 Golf course zone – Additional development standards.
- 18.28A.060 Golf course zone – ~~Master plan~~**Site plan review** process.
- 18.28A.070 Golf course zone – Rezone criteria.

18.28A.010

Golf course zone – Intent.

The golf course zone provides for golf course activities and the protection and preservation of *open space* qualities of lands that are developed for golf course uses. The district allows for a mix of active golf-related *recreational facilities* and supporting infrastructure. *Master plans* are encouraged for recreational uses. The golf course zone is applied to lands used for golf course related purposes and designated as public and private facilities on the comprehensive plan land use map. [Ord. 08-0293 § 2.]

18.28A.020**Golf course zone – Use allowances.**

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the golf course zone.

Table A. Golf Course Zone Use Allowances

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
------------------	------------------------------------	--

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
Caretaker Residence, Accessory Clubhouse Conference Center, Accessory Cultural Facilities Driving Range Eating and Drinking Places, Accessory Golf Course Facility Maintenance Facility, Accessory Open Space Pro Shop, Accessory Private Stormwater Management Facility Recreational Facilities, Indoor Recreational Facilities, Outdoor Retail Sales, Indoor, Accessory Trails Utility Facility Wildlife Shelter	Communication Facility, Major and Minor; Only When on Building; Prohibit Standalone Outdoor Performance Center	Residential Dwellings, Nonaccessory

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a master plan site plan review process pursuant to KMC 18.28A.060 and Chapter 19.2318.105 KMC. Proponents of projects that include land uses allowed as accessory permitted or accessory conditionally permitted uses in

Table A may also request allowance of such *uses* as primary *uses* pursuant to KMC 18.28A.060 and Chapter 19.23 KMC. [Ord. 08-0293 § 2.]

18.28A.030

Golf course zone – Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *director/city manager*. [Ord. 08-0293 § 2.]

18.28A.040

Golf course zone – Development standards.

A. Specific zone-based development standards for the golf course zone in Table B shall apply to the golf course zone as follows:

Table B. Golf Course Zone Development Standards

Standard	Requirement
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	20 ft. or 30 ft. ³
Minimum Interior <i>Setback</i>	10 ft. or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	10% ⁵

¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal lot as of December 16, 2008.

² The minimum lot size may be reduced if the *director/city manager* determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

³ a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:

(1) Thirty feet if adjacent zoning is R-1 to R-86.

(2) Twenty feet in all other cases.

b. *Interior setbacks*: 20 feet if adjacent zoning is R-1 to R-86; ten feet in all other cases.

c. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the *interior setback* requirements; provided, that the maximum height shall not exceed 75 feet.

⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and *interior setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet.

⁵ a. For the purposes of this zone, paved *trails* are not considered *impervious surface*; provided, that *city* stormwater and other applicable requirements are met.

b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.105.030, or through a *master plan/site plan review* process in KMC 18.28A.060. [Ord. 08-0293 § 2.]

18.28A.050**Golf course zone – Additional development standards.**

A. Where the golf course zone abuts a residential zone, the **director/city manager** may require a *landscaping* screen pursuant to Chapter 18.4035 KMC in order to screen views of parking lots, accessory *buildings*, or other features within the golf course zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met. The **director/city manager** shall have the authority to waive the requirement to provide lighting. [Ord. 08-0293 § 2.]

18.28A.060**Golf course zone – ~~Master plan~~Site plan review process.**

Project sponsors in the golf course zone shall ~~prepare a master plan~~**undergo site plan review** for purposes of establishing **classified** land uses or activities not otherwise established in KMC 18.28A.020 as permitted or conditionally permitted, in accordance with Chapter ~~19.23~~**18.105** KMC. ~~Master plans~~**Site plan review** shall not be used to establish *prohibited uses* listed in KMC 18.28A.020. A ~~master plan~~**site plan review** shall be processed consistent with Chapter ~~19.23~~**18.105** KMC. [Ord. 08-0293 § 2.]

18.28A.070**Golf course zone – Rezone criteria.**

A. The golf course zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the golf course zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC. [Ord. 08-0293 § 2.]

Chapter 18.30**DEVELOPMENT STANDARDS – ~~DENSITY AND DIMENSIONS~~GENERAL**

Sections:

18.30.010 Purpose.

~~18.30.020 Interpretation of tables.~~

~~18.30.030 Densities and dimensions – Residential zones.~~

~~18.30.040 Densities and dimensions – Commercial zones.~~

~~18.30.050 Measurement methods.~~

~~18.30.060 Density calculations – Allowable dwelling units, lots or floor area.~~

~~18.30.070 Calculations – Site area used for base density and maximum density floor area calculations.~~

~~18.35.22030.040 Fences~~

~~18.30.050 Height – Measurement methods.~~

~~18.30.10060 Height – Exceptions to limits.~~

~~18.30.070 Light and glare.~~

18.30.080 Lot area – Prohibited reduction.

18.30.090 Lot area – Minimum lot area for construction.

~~18.30.100 Lot divided by zone boundary.~~

~~18.30.110 Lot width – Measurement methods.~~

18.75.23030.115 Public nuisance – Prohibited activities.
 18.350.1830 Recreation space - On-site recreation – Play areas.
 18.350.1940 Recreation space - On-site recreation – Maintenance of recreation space or dedication.
 18.350.200150 Recreation space - Financial guarantees.
 18.30.155 Recreational vehicles.
 18.30.1960 Setbacks – Measurement of setbacks.
 18.30.1470 Setbacks – Specific building or use.
 18.30.120 Setbacks – Livestock buildings and manure storage areas.
 18.30.1390 Setbacks – Modifications.
 18.30.149200 Setbacks – From regional utility corridors.
 18.30.150210 Setbacks – From alley.
 18.30.16220 Setbacks – Required modifications.
 18.30.17230 Setbacks – Projections and structures allowed.
 18.30.2040 Sight distance requirements.
 18.30.210 Nonresidential land uses in residential zones.
 18.30.220 Personal services and retail uses in R-4 through R-48 zones.
 18.350.2150 Storage space and collection points for trash and recyclables.
 18.35.24030.260 Trail corridors – Applicability.
 18.35.25030.270 Trail corridors – Design standards.
 18.35.26030.280 Trail corridors – Maintenance of trail corridors/improvements.

18.30.010

Purpose.

The purpose of this chapter is to establish basic dimensional standards for *development* relative to residential density, dimensional requirements and as well as specific rules for general application. The standards and rules are established to provide flexibility in project design, and maintain privacy between adjacent uses. D-M and meet the on-site recreation needs of project residents.

[Ord. 98-0026 §§ 1, 2 (KCC 21A.12.010).]

18.30.020

Interpretation of tables.

A. KMC 18.30.030 and 18.30.040 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules, exceptions, and methodologies are set forth in KMC 18.30.050 through 18.30.200.

B. The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:

1. Residential; and
2. Resource and commercial.

C. Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard. [Ord. 07-0267 § 19; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.020).]

18.30.030

Densities and dimensions – Residential zones.

A.
:

	ZONES	URBAN RESIDENTIAL						
STANDARDS		R-1 (17)	R-4	R-6	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)		1 du/ae	4 du/ae (6)	6 du/ae	12 du/ae	18 du/ae	24 du/ae	48 du/ae
Maximum Density: Dwelling Unit/Acre (1)			6 du/ae	9 du/ae	18 du/ae	27 du/ae	36 du/ae	72 du/ae
Minimum Density					80%	75%	70%	65%
Minimum Lot Width (3) (24)		35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)		20 ft (7)	15 ft (2) (8)	15 ft (2) (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Side Setback (3) (16)		5 ft (7)	15 ft Total (9)	15 ft Total (9)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Minimum Rear Setback (3) (16)		5 ft (7)	20 ft	20 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)		35 ft	35 ft	35 ft 45 ft (14)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)		30% (11)	55%	70%	85%	85%	85%	90%
Minimum Lot Size		2,500 sq ft	7,200 sq ft (12) (20)	5,400 sq ft (12) (20)				

B. Development Conditions:

1. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or transfers of density credits, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(F)(1)(f).

2. If development provides alleys or consists of townhomes, then the street setback may equal 10 feet.

3. These standards may be modified under the provisions for zero lot line and townhouse developments.

4. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in residential zones shall comply with KMC 18.30.110 and 18.30.210; c. Individual lots in the R 4 through R 6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R 6 zone;

d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R 4 zone shall apply if a lot is less than 15,000 square feet in area.

8. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line.

9. Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

10. a. For developments consisting of three or more single detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R 1 through R 6, except for structures in on site play areas required in KMC 18.35.180, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R 1 through R 6, except for structures in on site play areas required in KMC 18.35.180, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one half acre in area shall comply with standards of the nearest comparable R 4 through R 6 zone. For lots that are one half acre in area or larger, the maximum impervious surface area allowed shall be at least 10,000 square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one half acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of KMC 18.75.170(A)(2).

12. For properties with critical areas or topographic constraints, up to 20 percent of the number of lots in a subdivision and one of the lots in a short plat may contain an area less than the prescribed minimum for this zoning district. In no case shall any lots be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller lots shall be located so as to have the least impact on surrounding properties in terms of consistency of street frontages and privacy of abutting properties.

13. Reserved.

14. The base height to be used only for projects as follows:

a. In R 6 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and

b. In R 18, R 24 and R 48 zones using residential density incentives and transfer of density credits pursuant to this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17. a. All subdivisions and short subdivisions in the R 1 zone shall be required to be clustered when the property is located within or contains:

(1) A floodplain;

(2) A critical aquifer recharge area;

(3) A regionally or locally significant resource area;

(4) Existing or planned public parks or trails, or connections to such facilities;

(5) A Class I or II stream or wetland;

(6) A "greenbelt/urban separator" or "wildlife corridor" area designated by the comprehensive plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. Open space tracts shall be permanent and meet the provisions of KMC 18.35.040.

18. Reserved.

19. Reserved.

20. This excludes any area required for public or private roads, access easements, access tracts, and access panhandles.

21. The building envelope is determined through meeting minimum lot size (subsection A of this section) and minimum lot width measurement requirements (KMC 18.30.050(B)).

C. See Chapters 18.26 and 18.27 KMC for development standards in the downtown residential and downtown commercial zones. [Ord. 08-0289 § 1; Ord. 04-0213 § 2, 3, 4; Ord. 03-0175 § 19; Ord. 98-0026 §§ 1, 2, 4, 5 (KCC 21A.12.030).]

18.30.040

Densities and dimensions—Commercial zones.

A.

	Z O N E S	COMMERCIAL	
		N-B E-U I-S C-I H-N B-E O-S R-S H O O D	R-B E-U G-S I-I O-N N-E A-S L-S
STANDARDS		NB	RB
Base Density: Dwelling Unit/Acre		8 du/ac (2)	36 du/ac (2)
Maximum Density: Dwelling Unit/Acre		12 du/ac (3)	48 du/ac (3)
Minimum Street Setback		10 ft (5)	10 ft (5)
Minimum Interior Setback		20 ft (7) (14)	20 ft (7)
Base Height (10)		35 ft 45 ft (6)	35 ft 65 ft (6)
Maximum Floor/Lot Ratio: Square Feet		1/1 (9)	2.5/1 (9)
Maximum Impervious Surface: Percentage (13)		85%	90%

B. Development Conditions:

1. Reserved.

2. These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

3. These densities may only be achieved through the application of residential density incentives or transfer of density credits in mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area. See Chapter 18.80 KMC.

4. Reserved.

5. Gas station pump islands shall be placed no closer than 25 feet to street front lines.

6. This base height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining residential zones.

8. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.

9. The floor/lot ratio for mixed use developments shall conform to Chapter 18.35 KMC.

10. Height limits may be increased when portions of the structure building which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement; provided, that the maximum height shall not exceed 75 feet.

11. Reserved.

12. Reserved.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining residential zones except when a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

C. See Chapters 18.26 and 18.27 KMC for development standards in the downtown residential and downtown commercial zones. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 20; Ord. 03-0175 § 20; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.040).]

18.30.050

Measurement methods.

The following provisions shall be used to determine compliance with this title:

A. Street setbacks shall be measured from the existing edge of a street right of way or temporary turnaround, except as provided by KMC 18.30.150;

B. The following provisions shall be used to determine compliance with this title: Lot widths shall be measured by sealing a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement, access tract, access panhandle and building setbacks shall not be included within the circle area;

C. Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms;

D. Lot area shall be the total horizontal land area contained within the boundaries of a lot; and

E. Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, or surface water flow control or water quality treatment facilities. [Ord. 04-0213 § 5; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.050).]

18.30.060

Density Calculations – Allowable dwelling units, lots or floor area.

Permitted number of dwelling units, or lots or floor area shall be determined as follows:

A. The allowed number of *dwelling units* or *lots* (base density) shall be computed by multiplying the *site area* specified in KMC 18.30.070 by the applicable residential base density number;

B. The maximum density (unit or *lot*) limits shall be computed by adding the bonus or transfer units authorized by Chapter 18.80 KMC to the base units computed under subsection (A) of this section;

C. The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in KMC 18.30.070; and

D. Except for short subdivisions of four or fewer *lots*, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded up; and
2. Fractions below 0.50 shall be rounded down.

E. When density calculations result in a fraction, the permitted number of *lots* derived from short subdivisions of four or fewer *lots* shall be rounded as follows:

1. For a short subdivision resulting in less than two *lots* (base density) as described in subsection (A) of this section, fractions of 0.85 shall be rounded up to the nearest whole number and fractions below 0.85 shall be rounded down.

2. For a short subdivision resulting in more than two but less than three *lots* (base density) as described in subsection (A) of this section, fractions of 0.75 shall be rounded up to the nearest whole number and fractions below 0.75 shall be rounded down.

3. For a short subdivision resulting in more than three *lots* but less than four *lots* (base density) as described in subsection A of this section, fractions of 0.60 shall be rounded up to the nearest whole number and fractions below 0.60 shall be rounded down. [Ord. 08-0289 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.070).]

18.30.070

Calculations—Site area used for base density and maximum density floor area calculations.

A. All site areas may be used in the calculation of base and maximum allowed residential density or project floor area except as outlined under the provisions of subsection (B) of this section.

B. Submerged lands shall not be credited toward base and maximum density or floor area calculations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.080).]

18.35.22030.040

Fences.

Fences are permitted as follows:

A. Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except: (SIGNIFICANT CHANGE)

1B. Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

a1. In R-1 through R-18, P and GC and the resource zones:

(1) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 12 feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

(2) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

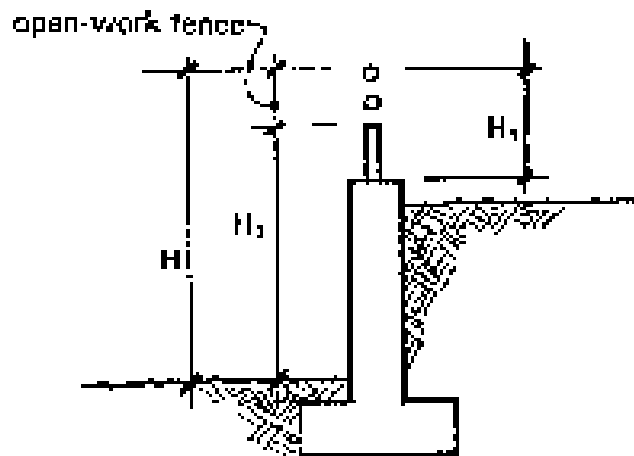
b2. In the R-24, R-48, DR, PSP, and commercial/industrial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

c3. Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection (A)(1)(a)(1) of this section), shall be an open-work fence.

BC. Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the city of Kenmore building code, KMC Title 15.

ILLUSTRATION NEEDS TO BE ADJUSTED

RETAINING WALL WITH FENCE IN SETBACK



H max. 10' in R1 - R1~~8~~ Zones

H₁ max. 6' in all Zones

H₂ max. 8' for w/ & solid-work
fence in all Zones

CD. Electric fences shall:

1. Be permitted in all zones; provided, that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;

2. Comply with the following requirements:

a. An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamps;

b. An electric fence using continuous current shall be limited to 1,500 volts at seven milliamps;

c. All electric fences in the R-4 through R-48 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and

d. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and

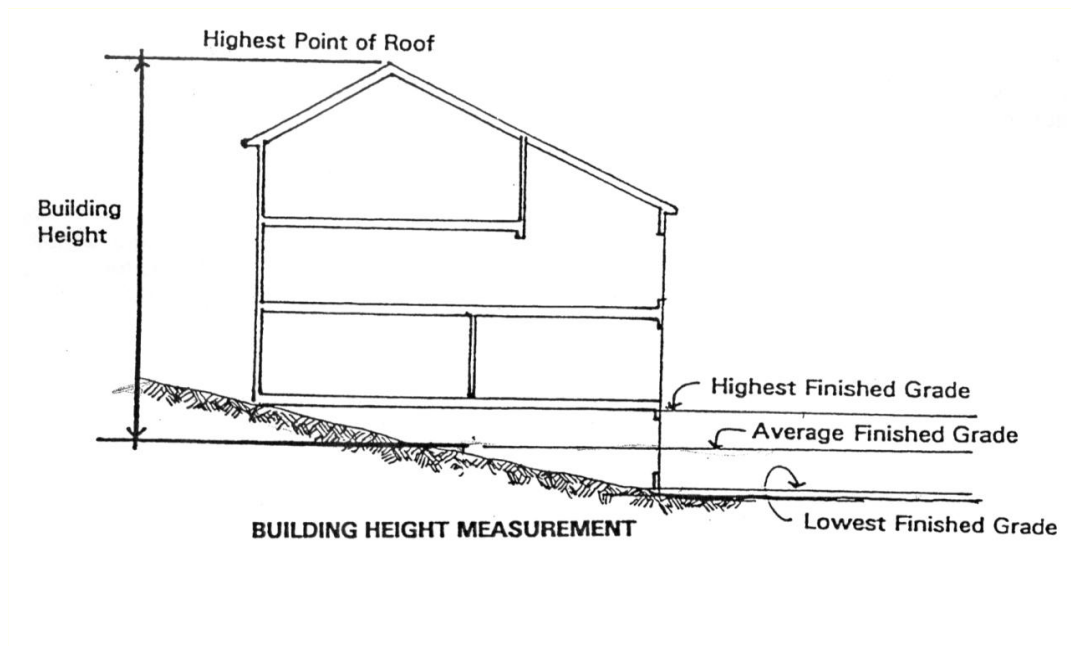
DE. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-48 zone. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.220).]

18.30.050**Height - Measurement method.**

CA. Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the ground elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured ground elevations do not include berms.

B. When a proposed building height is within 1 foot of the maximum allowable height, the applicant shall provide a survey prior to final inspection, performed by a licensed surveyor, demonstrating compliance with the city's height regulations. (SIGNIFICANT CHANGE)

SECOND ILLUSTRATION NEEDS TO BE ADDED



18.30.180060**Height – Exceptions to limits.**

The following structures may be erected above the height limits of KMC 18.30.030 through 18.30.050:

A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures.

Development in the CB zone (see KMC 18.293.040) is specifically excluded from the exceptions to height limitations of this section. All height provisions and exceptions to height limitations for the CB zone are found in KMC 18.293.040. [Ord. 08-0291 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.180).]

18.30.070**Light and Glare.**

A. To minimize adverse impacts of lighting on motorists, pedestrians and the surrounding area, the following site standards apply:

1. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the property and directed downward and away from adjoining properties, streets and public walkways.

2. Lighting shall not blink, flash, or be of unusually high intensity or brightness.

B. In no case shall more than one foot-candle power of light five feet aboveground cross a property line in a residential zone as measured by a light meter meeting the American National Standards Institute specifications for such instruments.

C. The owner of the property on which the light source is located shall bear the burden of proof that exterior lighting on their property meets these requirements, including the expense of a light meter reading. The meter reading shall be taken by a person deemed qualified by the city manager.

D. To reduce light and glare impacts, the city manager is authorized to require mitigating measures including, but not limited to, removal of the light; limiting the area and intensity of illumination; limiting the location or angle of illumination; limiting the hours of illumination; and/or requiring landscaping.

E. Residential and commercial holiday lighting; overhead street lighting and warning, emergency, or traffic signals; and lighting associated with permitted signs as described in KMC Chapter 18.42 are exempt from the provisions of this section. (SIGNIFICANT CHANGE)

18.30.080**Lot area – Prohibited reduction.**

Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.090).]

18.30.090**Lot area – Minimum lot area for construction.**

Except as provided for nonconformances in Chapter 18.75.100 KMC, in the LR and R1, R4 and R6 zones no construction shall be permitted on a lot that contains an area of less than 2,500 square feet or that does not comply with the applicable minimum lot width, except for townhouse developments in the zero lot line subdivisions, or a legal lot as determined through KMC 17.15.070 created prior to February 2, 1995, in a recorded subdivision or short subdivision which complied with applicable subdivision or short subdivision laws that since February 2, 1995 has not simultaneously been owned by the owner of a contiguous lot(s). [Ord. 08-0293 § 2; Ord. 04-0213 § 6; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.100).]

18.30.190**Lot divided by zone boundary.**

When a *lot* is divided by a zone boundary, the following rules shall apply:

A. When a *lot* contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required *setbacks* on the *site*;

B. When a *lot* contains residential zones of varying density:

1. Any residential density transfer within the *lot* shall be allowed from the portion with the lesser residential density to that of the greater residential density;

2. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

- a. The units transferred from any R-12 to R-48 zoned portion of the *lot* are maintained in an attached *dwelling unit* configuration on the lower density portion receiving such units,
- b. The transfer does not reduce the minimum density achievable on the *lot*,
- c. The transfer enhances the efficient use of needed infrastructure,
- d. The transfer does not result in significant adverse impacts to the low density portion of the *lot*,
- e. The transfer contributes to preservation of *critical areas*, wildlife corridors, or other natural features, and
- f. The transfer does not result in significant adverse impacts to adjoining lower density properties;

3. Compliance with these criteria shall be evaluated during review of any *development proposals* in which such a transfer is proposed; and

C. Uses on each portion of the *lot* shall only be those permitted in each zone pursuant to Chapter 18.25 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.200).]

18.30.110**Lot width - Measurement method.**

B. The following provisions shall be used to determine compliance with this title: Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the *lot*; provided, that an access easement, access tract, access panhandle and building *setbacks* shall not be included within the circle area. See KMC 17.20.120(C) for additional standards related to *lot* configuration.

18.75.23030.115**Public nuisance – Prohibited activities.**

It is unlawful for any person to keep, maintain or deposit on any property in the *city* a public nuisance including, but not limited to, the following:

A. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.

B. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the Uniform Fire Code as adopted by the *city* pursuant to KMC 15.10.010.

C. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.230).]

18.35.18030.130**Recreation space - On-site recreation—play areas.**

A. Single-family detached subdivisions, *apartment, townhouse and mixed use development*, of more than four nine units in the R-4 through R-48 and DR zones and stand-alone *townhouse developments* in the NB or DC zone of more than four nine units, excluding age restricted *senior citizen* housing, shall, in addition to meeting the requirements of KMC 18.35.170, provide children play common recreational open space areas within recreation space on-site, except when facilities are available to the public that meet all of the following requirements: (SIGNIFICANT CHANGE)

1. Are developed as a county, municipal or regional *park*;
2. Are located within one-quarter-mile walking distance; and
3. Are accessible without crossing any arterial *street*.

B. Play Common recreational open space area designs shall comply with the following requirements:

1. Provide at least 45 square feet per *dwelling unit*, with a minimum size of 400450 square feet;
2. Be adjacent to main pedestrian paths or near building entrances;

3. Be suitable and safe as a play space for children;

~~Meet the requirements of KMC 18.35.170; and~~

4. Be graded and landscaped to encourage use by occupants of the *development*, including children. The applicant may provide permanent amenities (seating, picnic tables, play equipment that meets, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing, etc.). If play equipment is proposed, the equipment shall meet, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing.

C. Subdivisions with ~~play~~ common recreational open space areas which are contained within the on-site stormwater tracts, but are located outside of the 100-year design water surface, may be credited for up to 50 percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowners' association or other organization as approved by the ~~director~~city manager;

2. The stormwater facilities shall be constructed to meet the following conditions:

a. The side slope of the stormwater facilities shall not exceed 33 percent unless slopes are existing, natural and covered with vegetation;

b. A bypass system or an *emergency* overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;

c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas and aesthetic viewing; and

d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

D. In the case of joint use of the tract for stormwater facilities and recreation space, ~~Kenmore~~the city shall be responsible for maintenance of the stormwater facilities only and will require a drainage easement for that purpose.

E. A recreational open space plan shall be submitted to the *department* and reviewed and approved with engineering plans.

1. The recreational open space plan shall address all portions of the *site* which will be used to meet recreation space requirements of this section (including stormwater facilities). The plan shall show dimensions, finished grade, equipment, landscaping and improvements, as required by the ~~director~~city manager, to demonstrate that the requirements of the on-site recreation space per KMC 18.35.170 and play areas per of this section have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space pursuant to subsection (A) of this section will be met. [Ord. 03-0175 § 27; Ord. 01-0109 Ch. III, § 4(C); Ord. 00-0097 § 1(C); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.190).]

~~18.35.190~~30.140

~~Recreation space - On-site recreation - Maintenance of recreation space or dedication.~~

A. Recreation space that meets the criteria in KMC 18.35.170 may, at the discretion of the department of parks and recreation, be dedicated as a park open to the public in lieu of providing the on-site recreation required pursuant to KMC 18.35.170 when the following criteria are met:

1. The dedicated area is at least 20 acres in size, unless when adjacent to an existing or planned city park;

2. The dedicated land provides one or more of the following:

a. Shoreline access;

b. Regional trail linkages;

c. Habitat linkages;

d. Recreation facilities; or

e. Heritage sites; and

3. The dedicated area is located within one mile of the project site.

B. Unless the recreation space is dedicated to the city of Kenmore in accordance with subsection (A) of this section, maintenance of any common recreational open space provided under KMC 18.30.130 retained in private ownership shall be the responsibility of the owner(s) or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city. [Ord. 00-0097 § 1(D); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.200).]

18.35.20030.150**Recreation space - Financial guarantees.**

Financial guarantees for construction of recreation facilities required by KMC 18.35.170 and 18.35.180 18.30.130 shall be provided consistent with the provisions of KMC Title 21. [Ord. 00-0097 § 1(E).]

18.30.155**Recreational vehicles.**

A. A single *recreational vehicle* (RV) may be occupied for temporary lodging for up to three weeks on a *lot* already containing another *dwelling unit* with the permission of the property owner subject to the following conditions:

1. No more than two three-week periods shall be permitted per calendar year per lot and the two periods shall be separated by a minimum of 30 calendar days;
2. Such use shall not create a public health hazard or nuisance;
3. The RV shall be parked on an approved parking pad;
4. No business occupation shall be conducted in said RV;
5. The RV shall not use generators.

B. An RV may be occupied for temporary lodging for up to 45 consecutive days if connected to approved utilities including potable water and wastewater disposal and approved through a temporary use permit.

1. The temporary use permit issued must be affixed to the RV in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way. (SIGNIFICANT CHANGE)

18.30.10060**Setbacks - Measurement of setbacks.**

A. *Street Setback.* A. Street setbacks shall be measured from the existing edge of a street right of way or temporary turnaround, except as provided by KMC 18.30.150. The *street setback* is measured from the existing edge of a street right-of-way or temporary turnaround or the edge of a surface improvement the street paving if it which extends beyond the right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or temporary turnaround or the edge of the surface improvement street paving which extends beyond the right-of-way at the depth prescribed for each zone. A lot may have more than one street setback.

B. *Rear Setback.* The rear setback is measured from the line opposite the street lot line to which a building faces, to a line parallel to and measured perpendicularly from the rear lot line at the depth prescribed for each the zone. On a corner lot, the street lot line to which a building faces shall be determined by the director/city manager to be the yard which best conforms to the pattern of the adjacent block faces. A lot shall have only one rear setback.

C. *Side Setback.* Any boundary of a lot which is not a street lot line or a rear lot line is considered a side lot line. The side setback is measured from side lot lines to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each the zone. [Ord. 08-0289 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.110).]

D. *Interior Setback.* Any boundary of a lot which is not a street lot line is considered an interior lot line. The interior setback is measured from interior lot lines to a line parallel and measured perpendicularly from the interior lot lines at the depth prescribed for the zone.

18.30.1470**Setbacks – Specific building or use.**

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.120).]

18.30.120**Setbacks – Livestock buildings and manure storage areas.**

- A. The minimum interior setback for any building used to house, confine or feed swine shall be 90 feet.
- B. The minimum interior setback for any building used to house, confine or feed any other livestock shall be 25 feet.
- C. The minimum interior setback for any manure storage area shall be 35 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.122).]

18.30.1390**Setbacks – Modifications.**

The following *setback* modifications are permitted:

A. When the common property line of two *lots* is covered by a *building(s)*, the *setbacks* required by this chapter shall not apply along the common property line; and

B. When a *lot* is located between *lots* having nonconforming *street setbacks*, the required *street setback* for such *lot* may be the average of the two nonconforming *setbacks* or 60 percent of the required *street setback*, whichever results in the greater *street setback*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.130).]

18.30.149200**Setbacks – From regional utility corridors.**

A. In subdivisions and short subdivisions, areas used as *regional utility corridors* shall be contained in separate tracts.

B. In other types of land *development permits*, easements shall be used to delineate such corridors.

C. All *buildings* and *structures* shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of *regional utility corridors*, except for utility *structures* necessary to the operation of the utility corridor or when *structures* are allowed by mutual agreement in the utility corridor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.140).]

18.30.159210**Setbacks – From alley.**

A. *Structures* may be built to a property line abutting an *alley*, except as provided in subsection (B) of this section.

B. Vehicle access points from garages, carports or fenced parking areas shall be set back from the *alley* property line to provide a straight line length of at least 26 feet, as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite edge of the *alley*. No portion of the garage or the door in motion may cross the property line. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.150).]

18.30.169220**Setbacks – Required modifications.**

The following *setback* modifications are required:

A. In addition to providing the standard *street setback*, a *lot* adjoining a half-street or designated arterial shall provide an additional width of *street setback* sufficient to accommodate construction of the planned half-street or arterial; and

B. Where the standard *setback* for a property is modified within an adopted subarea or neighborhood plan area zoning, the applicable *setback* shall be that specified therein. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.160).]

18.30.179230**Setbacks – Projections and structures allowed.**

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.149200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.169220 and the sight distance requirements of KMC 18.30.29940 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.30.21921.060(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;

2. Not wider than 10 feet; and. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, RB, PSP, P, and GC zones;

2. Eighteen inches into side *setbacks* in the R zones;

3. Eighteen inches into rear *setbacks* in the R-12 through R-48 zones;

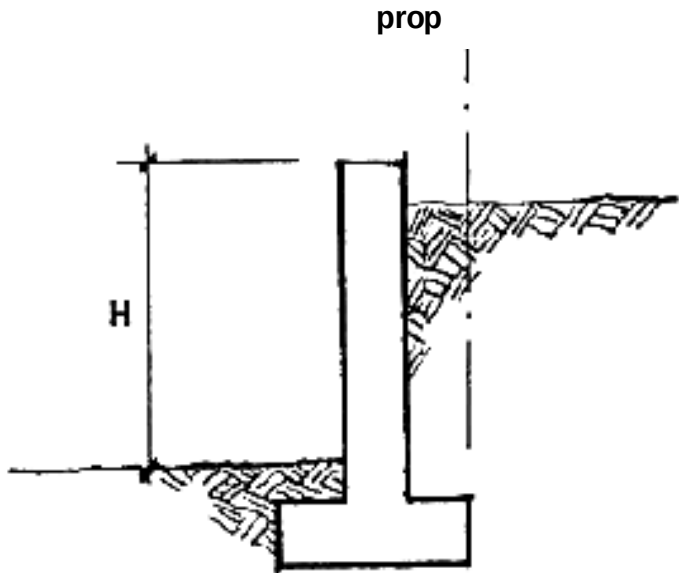
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; (SIGNIFICANT CHANGE) and

25. Five feet into ~~the~~ *street setbacks*;
- C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;
- D. Eaves may not project more than:
1. Eighteen inches into an interior *setback*;
 2. Twenty-four inches into a *street setback*; or
 3. Eighteen inches across a lot line in a zero-lot-line *development*;
- E. Fences with a height of ~~six~~^{eight} feet or less may project into or be located in any *setback*;
- F. Rockeries, *retaining walls* and curbs may project into or be located in any *setback* provided these *structures*:
1. Do not exceed a height of six feet in the R-1 through R-18, *Parks and Golf Course resource* zones;
 2. Do not exceed a height of eight feet in the R-24, ~~and~~ R-48 *and Downtown Residential* zones; and
 3. Do not exceed the building height for the zone in commercial *Industrial and Public/Semi-Public* zones, measured in accordance with the standards established in the *city of Kenmore* building code, KMC Title 15;
- G. Fences located on top of rockeries, *retaining walls* or *berms* are subject to the requirements of KMC 18. ~~35.22930.040~~;
- H. Telephone, power, light and flag poles;
- I. The following may project into or be located within a *setback*, but may only project into or be located within a five-foot interior *setback* area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the *city of Kenmore* prior to the installment or construction of the *structure*:
1. Sprinkler systems, electrical and cellular equipment cabinets, *air conditioning units*, and other similar utility boxes and vaults;
 2. Security system access controls;
 3. *Structures*, except for *buildings*, associated with *trails* and on-site recreation spaces *and play areas* required in KMC 18. ~~35.17030.120~~ and KMC 18. ~~35.18030.130~~ such as benches, picnic tables and drinking fountains; and
 4. Surface water management facilities as required by Chapter 13.35 KMC;
- J. Mailboxes and newspaper boxes may project into or be located within *street setbacks*;
- K. Fire hydrants and associated appendages;
- L. Metro bus shelters may be located within *street setbacks*;
- M. Unless otherwise allowed in KMC 18. ~~5042~~.090, freestanding and *monument signs* four feet or less in height, with a maximum *sign* area of 20 square feet may project into or be located within *street setbacks*; and
- N. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:
1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or
 2. In the absence of said specifications, not within five feet of the property line.
- ~~O. Minor improvements such as garden sculpture, landscape water features, trellises not attached to a building, and similar decorative structures;~~
- ~~P. In a rear setback in the R4 and R6 residential zones, the following structures are permitted if it is determined by the city manager that they will not have any substantial detrimental effect on abutting properties or the city as a whole and provided that they shall be no closer than 5' to the rear lot line:~~
- ~~1. Children's play structures not otherwise regulated by this title.~~
 - ~~2. No more than one storage shed or similar use, limited in height to eight feet for a flat roof or ten feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;~~
 - ~~3. An arbor, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.~~ (SIGNIFICANT CHANGE)

ILLUSTRATION NEEDS TO BE AMENDED

[Ord. 98-0026 §§ 1, 2 (KCC 21A.12.170).]

RETAINING WALL IN SETBACK



**H max. 6' in R1 - R18
& Resource Zones**

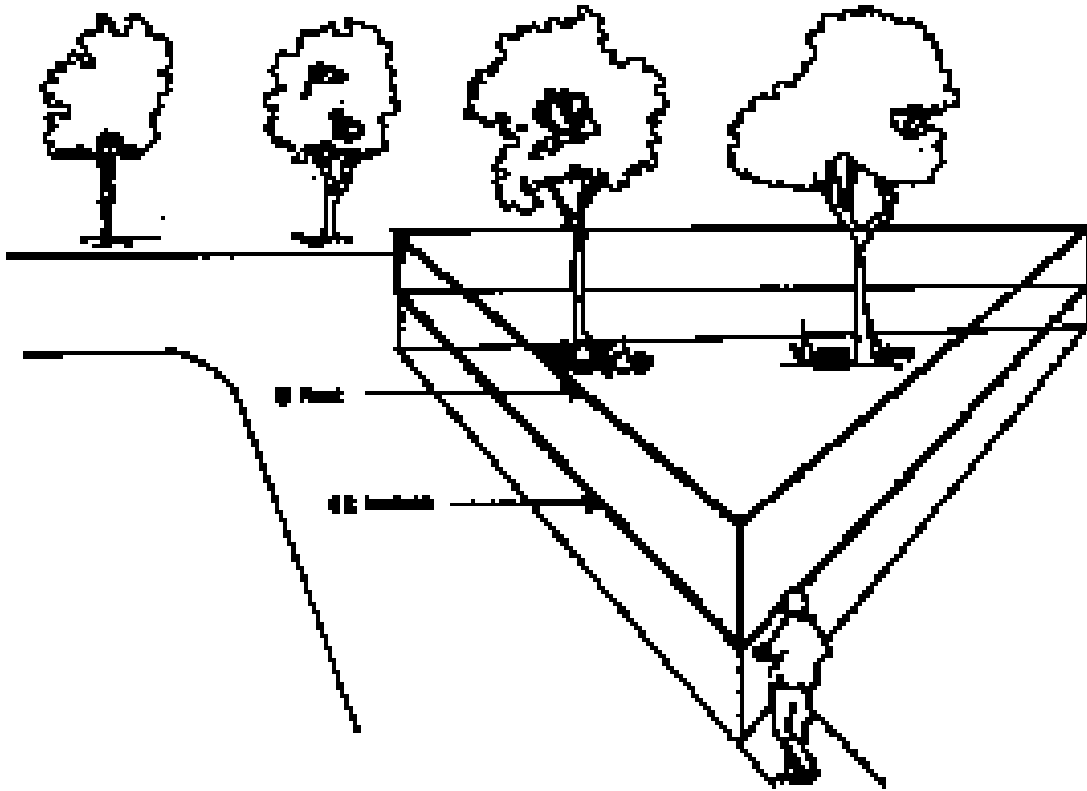
**H max. 8' in R24 and R48 Zones, and
not to exceed building height
requirement in Commercial/Industrial
Zones**

18.30.20040

Sight distance requirements.

Except for utility poles and traffic control *signs*, the following sight distance provisions shall apply to all intersections and *site* access points:

A. A sight distance triangle area as determined by subsection (B) of this section shall contain no *fence*, *berm*, *vegetation*, on-site vehicle parking area, *signs* or other physical obstruction between 42 inches and eight feet above the existing street grade;



NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

B. The sight distance triangle at:

1. A *street* intersection shall be determined by measuring 15 feet along both *street* property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

2. A *site* access point shall be determined by measuring 15 feet along the *street* lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

C. The **director/city manager** may require modification or removal of *structures* or landscaping located in required *street setbacks*, if:

1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and

2. No reasonable driveway relocation alternative for an adjoining *lot* is feasible. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.210).]

D. If an off-site sight distance triangle is created on adjoining property, the applicant shall obtain an easement from the neighboring property owner for the area of the sight distance triangle and make such modifications as are necessary to provide adequate sight distance for drivers.

E. The city manager may modify any of the requirements of this section as long as public safety is not compromised.

18.30.210

Nonresidential land uses in residential zones.

Except for utility facilities, uses listed in KMC 18.25.100, and nonresidential uses regulated by KMC 18.30.220, all nonresidential uses located in the R zones shall be subject to the following requirements:

A. Impervious surface coverage shall not exceed:

1. Seventy percent of the site in the R 1 through R 6 zones.
2. Eighty percent of the site in the R 12 through R 48 zones.

B. Buildings and structures, except fences and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (C) of this section.

C. Single detached dwelling allowed as accessory to a church or school shall conform to the setback requirements of the zone.

D. Parking areas are permitted within the required setback area from property lines, provided such parking areas are located outside of the required landscape area.

E. Sites shall abut or be accessible from at least one public street functioning at a level consistent with the city of Kenmore road design standards. New high school sites shall abut or be accessible from a public street functioning as an arterial per the city of Kenmore design standards.

F. The base height shall conform to the zone in which the use is located.

G. Building illumination and lighted signs shall be designed so that no direct rays of light are projected into neighboring residences or onto any street right of way. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.220).]

18.30.220

Personal services and retail uses in R 4 through R 48 zones.

The general personal service use (SIC No. 72 except 7216, 7218 and 7261) listed in KMC 18.25.050 and the retail uses, except agricultural crop sales, listed in KMC 18.25.070 which are located in the R 4 through R 48 zones shall be subject to the following requirements:

A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area.

B. Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (A) of this section.

C. Establishment sites shall abut an intersection of two public streets, each of which is designated as a neighborhood collector or arterial and which has improved pedestrian facilities for at least one fourth mile from the site.

D. The maximum on-site parking ratios for establishments and sites shall be two per 1,000 square feet and required parking shall not be located between the building(s) and the street; and

E. Buildings shall comply with the building facade modulation and roofline variation requirements in KMC 18.35.070 and 18.35.080 and at least one facade of the building shall be located within five feet of the sidewalk.

F. If the personal service or retail use is located in a building with multifamily uses, then the commercial use shall be on the ground floor and shall not exceed 25 percent of the total floor area of the building.

G. Sign and landscaping standards for the use apply. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.230).]

18.35.240-30.250

Storage space and collection points for trash and recyclables.

Multiple-family dwelling and nonresidential developments shall provide storage space for the collection of trash and recyclables as follows (for all zones except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, as described in subsection (G) of this section):

A. The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple-family dwelling developments and any new square feet of building gross floor area in any other developments:

1. One and one-half square feet per *dwelling unit* in *multiple-family dwelling developments* except where the *development* is participating in a *city-sponsored* or approved *direct collection program* in which individual *recycling bins* are used for curbside collection;

2. Two square feet per every 1,000 square feet of *building gross floor area* in office, educational and institutional *developments*;

3. Three square feet per every 1,000 square feet of *building gross floor area* in manufacturing and other *nonresidential developments*; and

4. Five square feet per every 1,000 square feet of *building gross floor area* in retail *developments*.

B. The storage space for residential *developments* shall be apportioned and located in collection points as follows:

1. The required storage area shall be dispersed in collection points throughout the *site* when a residential *development* comprises more than one *building*.

2. There shall be one collection point for every 30 *dwelling units*.

3. Collection points may be located within residential *buildings*, in separate *buildings/structures* without *dwelling units*, or outdoors.

4. Collection points located in separate *buildings/structures* or outdoors shall be no more than 200 feet from a common entrance of a residential *building*.

5. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

C. The storage space for nonresidential *developments* shall be apportioned and located in collection points as follows:

1. Storage space may be allocated to a centralized collection point.

2. Outdoor collection points shall not be located in any required *setback* areas.

3. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

4. Access to collection points may be limited, except during regular business hours and/or specified collection hours.

D. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for *trash and recyclables*.

2. Architectural design of any *structure* enclosing an outdoor collection point or any *building* primarily used to contain a collection point shall be consistent with the design of the primary *structure(s)* on the *site*.

3. Collection points shall be identified by *signs* not exceeding two square feet.

4. A *minimum* six-foot *tall* wall or *fence* shall enclose any outdoor collection point, ~~excluding collection points located in industrial developments that are greater than 100 feet from residentially-zoned property.~~

5. Enclosures for outdoor collection points and *buildings* used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any *building* or other roofed *structure* used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of *trash and recyclables* shall be ensured by using weather-proof containers or by providing a roof over the storage area.

E. Only *trash and recyclable materials* generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

F. The ~~director~~*city manager* may waive or modify specific storage space and collection point requirements set forth in this section if the ~~director~~*city manager* finds, in writing, that an alternate *recycling program* design proposed by the *applicant* meets the needs of the *development* and provides an equivalent or better level of storage and collection for *trash and recyclables*.

G. For the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, the standards in this section above apply as an option. The downtown design standards offer additional options for screening of storage for these zones only. [Ord. 03-0175 § 28; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.210).]

18.35.24030.260**Trail corridors – Applicability.**

Trail easements shall be provided by any *development*, except for single detached residential permits, when such *developments* are located within any community or regional *trail* corridor identified by an adopted Kenmore plan ~~or community plan~~ identifying community and/or regional *trail* systems. The residents or tenants of the *development* shall be provided access to the *trail* easement. The area of the *trail* easement shall be counted as part of the *site* for purposes of density and floor area calculations. ~~The area of the *trail* easement also may be used to satisfy the on-site recreation space requirements of KMC 18.30.230. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.230).]~~

18.35.25030.270**Trail corridors – Design standards.**

Trail design shall be reviewed by the *department* ~~of community development~~ for consistency with adopted standards, including the standards in KMC Title 12, for:

- A. Width of the *trail* corridor;
- B. Location of the *trail* corridor on the *site*;
- C. Surfacing improvements; and
- D. Use(s) permitted within the corridor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.240).]

18.35.26030.280**Trail corridors – Maintenance of trail corridors/improvements.**

Maintenance of any *trail* corridor or improvements, retained in *private* ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the ~~parks division~~*department*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.250).]

Chapter 18.4035**DEVELOPMENT STANDARDS – LANDSCAPING AND WATER USE**

Sections:

- 18.4035.010 Purpose.
- 18.4035.020 Application.
- 18.4035.030 Land use grouping.
- 18.4035.040 Landscaping – Screen types and description.
- 18.35.045 Landscaping – General requirements.
- 18.40.050 Landscaping – Street frontages.
- 18.4035.060 Landscaping – Interior lot lines along the Burke-Gilman public trail.
- 18.4035.070 Landscaping – Surface parking areas.
- 18.4035.080 Landscaping – General standards for all landscape areas.
- 18.4035.090 Landscaping – Additional standards for required landscape areas.
- 18.4035.100 Landscaping – Alternative options.
- 18.4035.110 Landscaping – Plan design, design review, and installation.
- 18.4035.120 Maintenance.
- 18.4035.130 Financial guarantees.
- 18.40.140 Water use – Applicability of water budget for landscape areas.
- 18.40.150 Water use – Irrigation water budget calculated.
- 18.40.160 Water use – Estimated water use calculated.
- 18.40.170 Water use – Irrigation efficiency goals and system design standards.
- 18.40.180 Water use – Irrigation system design, design review and audit at installation.
- 18.40.190 Water use – Irrigation design plan contents.
- 18.40.200 Water use – Irrigation schedules.
- 18.40.210 Water use – Irrigation system maintenance. (SIGNIFICANT CHANGE)

18.4035.010**Purpose.**

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing *vegetation*; to promote water efficiency; to promote native wildlife; to reduce the impacts of *development* on drainage systems and natural habitats; and to increase privacy for residential zones by:

- A. Providing visual relief from large expanses of parking areas and reduction of perceived *building* scale;
- B. Providing physical separation between residential and nonresidential areas;
- C. Providing visual screens and barriers as a transition between differing land *uses*;
- D. Retaining existing *vegetation* and *significant trees* by incorporating them into the site design;
- E. Providing increased areas of permeable surfaces to allow for:
 - 1. Infiltration of surface water into groundwater resources;
 - 2. Reduction in the quantity of stormwater discharge; and
 - 3. Improvement in the quality of stormwater discharge;
- F. Encouraging the use of native plant species by their retention or use in the landscape design;
- ~~G. Requiring water use efficiency through water budgeting and efficient irrigation design standards;~~
- ~~H. Encouraging the use of a diversity of plant species which promote native wildlife habitat. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.010).]~~

18.4035.020**Application.**

Except for *communication facilities* regulated pursuant to Chapter 18.60 KMC, all new *development* ~~listed in KMC 18.40.030~~ shall be subject to the *landscaping* provisions of this chapter; provided, that specific *landscaping* and *tree* retention provisions for *uses* established through a *conditional use permit*, ~~or~~ *special use permit*, ~~or an urban planned development application~~ shall be determined during the applicable review process. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.020).]

18.4035.030**Land use grouping.**

To facilitate the application of this chapter, ~~the~~ land *uses* ~~of Chapter 18.25 KMC~~ have been grouped in the following manner:

- A. "Residential *development*" refers to ~~those uses listed in KMC 18.25.030, except those uses listed under "Accessory uses", and residential land uses, except residential accessory uses, home occupation, and home industry.~~
- ~~B.~~ "Attached/group residences" refers to:
 - ~~a1.~~ Townhouses, except as provided in subsection ~~(A)(2)(a)(C)(1)~~ of this section;
 - ~~b2.~~ Apartments, and detached *dwelling units* developed on common property at a density of 12 or more units per acre;
 - ~~c3.~~ Senior citizen assisted ~~housing~~ *living*;
 - ~~d4.~~ Temporary lodging;
 - ~~e5.~~ Group residences other than Type I *community residential facilities*; ~~and~~
 - ~~f6.~~ Mobile home parks; ~~and~~
- ~~C.~~ "Single-family *development*" refers to:
 - ~~a1.~~ Residential subdivisions and short subdivisions, including attached and detached *dwelling units* on individually platted or short platted *lots*;
 - ~~b2.~~ Any detached *dwelling units* located on a *lot*;
 - ~~c3.~~ *Family child-care homes*; ~~and~~
 - ~~d4.~~ Type I *community residential facilities*;
- ~~D.~~ "Commercial *development*" refers to ~~those uses in:~~
 - 1. ~~KMC 18.25.040 as amusement/entertainment uses, except golf facilities; adult entertainment business; theater; theater, drive-in; bowling center; amusement and recreation services; shooting range; amusement arcades; amusement park; and outdoor performance center.~~

2. KMC 18.25.050 "General services land uses" except recycling centers, health and educational services, day care I, churches, synagogues, mosques, temples;
 3. KMC 18.25.070 "Retail land uses", except forest product sales and agricultural crop sales; and
 4. Car washes.
- CE. "Industrial development" refers to those uses listed in:
1. KMC 18.25.050 as recycling centers; interim recycling facility;
 2. KMC 18.25.060 "Government/business services land uses" except government services; public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility;
 3. KMC 18.25.080 "Manufacturing land uses"; and
 4. KMC 18.25.090 as mineral extraction and processing.
- DE. "Institutional development" refers to those uses listed in:
1. KMC 18.25.040 as cultural uses, except arboreta; library, museum and conference center;
 2. KMC 18.25.050 as churches, synagogues, mosques, and temples; health services; medical/dental office/outpatient clinics, nursing facilities, hospital, medical/dental lab and miscellaneous health services; and elementary schools, middle/junior high schools, secondary or high schools, vocational schools, school district support facilities, and specialized instruction schools; education services except specialized instruction schools permitted as an accessory use; and
 3. KMC 18.25.060 as government services; public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility.
- EC. "Utility development" refers to those uses listed in KMC 18.25.060 as utility facilities; and
- FH. Uses in Chapter 18.25 KMC that are not listed in subsections (A) through (E) of this section shall not be subject to landscaping and tree retention requirements except as specified in any applicable review of a conditional use or special use permit.

18.4035.040

Landscaping – Screen types and description.

The three types of landscaping screens are described and applied as follows:

A. Type I landscaping screen:

1. Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.
2. Type I landscaping shall minimally consist of:
 - a. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between 70 and 90 percent evergreen trees;
 - c. Trees provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Evergreen shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.4035.090;

B. Type II landscaping screen:

1. Type II landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street.
2. Type II landscaping shall minimally consist of:
 - a. A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - b. At least 50 percent deciduous trees and at least 30 percent evergreen trees;
 - c. Trees provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;

d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

e. Ground cover pursuant to KMC 18.4035.090;

C. Type III *landscaping* screen:

1. Type III *landscaping* is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. ~~This landscaping is typically found along street frontage or between apartment developments.~~

2. Type III *landscaping* shall minimally consist of:

a. A mix of *evergreen* and *deciduous trees* generally interspersed throughout the landscape strip and spaced to create a continuous canopy;

b. At least 70 percent *deciduous trees*;

c. *Trees* provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center;

d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

e. Ground cover pursuant to KMC 18.4035.090. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.040).]

18.35.045

Landscaping -- General requirements.*

	Street frontage perimeter landscaping (average width) ¹	Interior lot line perimeter landscaping (average width) ¹⁵	Surface parking lots of 10 or more stalls
Residential development ¹	10' Type III ⁸	5' Type II ⁸ 10' Type II ¹²	20 sq.ft. per stall in common parking areas
Commercial development ²	10' Type III	20' Type I ¹⁰	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Industrial development ³	10' Type II	10' Type II ¹³ 20' Type I ¹⁰	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Institutional development ⁴	20' Type II ⁶	10' Type II	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Utility development ⁵	10' Type II ⁷	10' Type II ¹⁴	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.

*See KMC Title 12 for *street tree* requirements.

¹ As described in KMC 18.35.030(A).

² As described in KMC 18.35.030(D).

³ As described in KMC 18.35.030(E).

⁴ As described in KMC 18.35.030(F).

⁵ As described in KMC 18.35.030(G).

¹⁵ Excluding playgrounds and playfields.

⁷ C. Ten feet of Type II landscaping shall be provided ~~for an above-ground utility facilities development only, excluding distribution and transmission corridors, located outside a public right of way.~~

⁸ ~~Only for attached/group residence development as described in KMC 18.40.030(B).~~

⁹ ~~For all zones except the DC and DR zones. In the CB zone, where street frontage setbacks are required in the CB zone, the area within the setback must contain Type II landscaping.~~

¹⁰ ~~Along any portion adjacent to a residential development as described in KMC 18.40.030(A).~~

¹² ~~Along portions of an attached/group residence development as described in KMC 18.40.030(B) adjacent to property developed with single detached residences or vacant property that is zoned R-1-6.~~

¹³ ~~Along any portion adjacent to a commercial or institutional development as described in KMC 18.40.030(D) and (E).~~

¹⁴ ~~Excluding distribution or transmission corridors.~~

¹⁵ ~~In the DC zone, where interior setbacks are required and/or provided, setbacks shall be landscaped with Type II landscaping. In the CB zone, where interior setbacks are required and/or provided, setbacks shall be landscaped with Type II landscaping.~~

18.40.050

Landscaping – Street frontages.

The average width of perimeter landscaping along street frontages shall be provided as follows (for all zones except the DC and DR zones which are described in subsection (F) of this section, and the CB zone which is described in subsection (G) of this section):

A. Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;

B. Ten feet of Type II landscaping shall be provided for an industrial development;

C. Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right of way;

D. Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and

E. For single family subdivisions: **MOVE STREET TREE REQUIREMENTS TO TITLE 12**

1. Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street;

2. The trees shall be:

a. Located within the street right of way if permitted by the custodial state or local agency;

b. No more than 20 feet from the street right of way line if located within a lot;

c. Maintained by the adjacent landowner unless part of a city maintenance program; and

d. A species approved by the city if located within the street right of way and compatible with overhead utility lines;

3. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

F. The DC and DR zones are excepted from these on-site screening standards (due to zero to minimal building setback allowances and requirements in those zones).

G. The CB zone is excepted from these on-site screening standards (due to zero or minimal building setback allowances and requirements in those zones). Where street frontage setbacks are required in the CB zone, the area within the setback must contain Type II landscaping. [Ord. 07-0275 § 2; Ord. 03-0175 § 29; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.050).]

18.4035.060

Landscaping – Interior lot lines along the Burke-Gilman public trail.

The average width of perimeter landscaping along interior lot lines shall be provided as follows:

A. Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;

~~B. Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned R(1-6), the requirement shall be 10 feet of Type II landscaping;~~

~~C. Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development;~~

~~D. Ten feet of Type II landscaping shall be included in an institutional use, excluding distribution or transmission corridors, when located outside a public right of way; and~~

~~E. RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE shall provide 10 feet of Type II landscaping along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II landscaping located within the Burke-Gilman public right-of-way. If a parking area is proposed, parking lot screening requirements of Chapter 18.52 KMC, Downtown Design Standards, shall apply in addition to the Type II landscaping.~~

~~F. In the CB zone, where interior setbacks are required and/or provided, setbacks shall be landscaped with Type II landscaping. [Ord. 07-0275 § 2; Ord. 03-0175 § 30; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.060).]~~

18.4035.070

Landscaping – Surface parking areas.

~~Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of improving air quality, reducing surface water runoff, providing shade and diminishing the visual impacts of large paved areas as follows:~~

~~A. Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;~~

~~B. Commercial, industrial or institutional developments shall provide landscaping at a rate of:~~

~~1. Twenty square feet per parking stall if 10 to 30 parking stalls are provided; and~~

~~2. Twenty five square feet per parking stall if 31 or more parking stalls are provided;~~

~~C. Trees shall be provided and distributed throughout the parking area at a rate of:~~

~~1. One tree for every three parking stalls for a commercial or industrial development; and~~

~~2. One tree for every five parking stalls for residential or institutional development;~~

~~D. The maximum distance between any parking stall and landscaping shall be no more than 100 feet;~~

~~E. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;~~

~~F. Landscaping around the perimeter of a site that is in addition to the perimeter landscaping required by KMC 18.4035.050 may count toward 10 percent of the required surface parking area landscaping in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE (see subsection (H) of this section) if it is adjacent to the parking area;~~

~~G. Parking area landscaping shall consist of:~~

~~1. Canopy-type deciduous trees, evergreen trees, evergreen shrubs and ground covers planted in islands or strips;~~

~~2. Shrubs that do not exceed a maintained height of 42 inches;~~

~~3. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet;~~

~~4. Ground cover in accordance with KMC 18.4035.090; and~~

~~5. At least 70 percent of trees are deciduous; and~~

~~H. Standards for perimeter landscaping and screening of surface parking lots for the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, are defined in Chapter 18.52 KMC, Downtown Design Standards, site design, parking lot screening section. All other landscape requirements for surface parking lot landscape in this section apply to the DC and DR zones, and RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE. [Ord. 03-0175 § 31; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.070).]~~

18. ~~4035.080~~**Landscaping – General standards for all landscape areas.**

All new landscape areas proposed for a *development* shall be subject to the following provisions:

A. *Berms* shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

B. All new turf areas, except all-weather, sand-based athletic fields shall:

1. Be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep; or

2. Have an organic content of five percent or more to a depth of six inches ~~as shown in a soil sample analysis.~~

~~The soil analysis shall include:~~

~~a. Determination of soil texture, indicating percentage of organic matter;~~

~~b. An approximated soil infiltration rate (either measured or derived from soil texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate, and~~

~~c. Measure pH value.~~

C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

D. Landscape areas, except turf or areas of established *groundcover*, shall be covered with at least two inches of *mulch* to minimize evaporation.

E. Plants having similar water use characteristics shall be grouped together in distinct hydrozones.

F. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the *site*. Preservation of existing *vegetation* is encouraged. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.085).]

18. ~~4035.090~~**Landscaping – Additional standards for required landscape areas.**

In addition to the general standards of KMC 18. ~~4035.080~~, landscape areas required pursuant to KMC 18. ~~4035.050~~ through 18. ~~4035.070~~ shall conform to the following standards:

A. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy *vegetation* used to augment new plantings shall not be required to meet the standards of this manual;

B. Single-stemmed *trees* required pursuant to this chapter shall at the time of planting conform to the following standards:

1. In parking area *landscaping* and in *street* rights-of-way:

a. *Deciduous trees* shall have a minimum *caliper* of 1.75 inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of 3.0, and

b. Coniferous and *broadleaf evergreens* ~~trees~~ shall be at least five feet in height;

2. In all other required landscape areas:

a. *Deciduous trees* shall have a minimum *caliper* of 1.5 inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of 3.0, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE where they shall be at least 10 feet in height;

C. Multiple-stemmed *trees* shall be permitted as an option to single-stemmed *trees* in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE provided that such multiple-stemmed *trees* are:

1. At least six feet in height, and

2. Not allowed within *street* rights-of-way;

D. When the width of any landscape strip is 20 feet or greater, the required *trees* shall be staggered in two or more rows;

E. Shrubs shall be:

1. At least an AAN container class #2 (two-gallon) size at time of planting in Type II, III and parking area *landscaping*,

2. At least 24 inches in height at the time of planting for Type I *landscaping*, and
 3. Maintained at a height not exceeding 42 inches when located in Type III or parking area *landscaping* except in the DC and DR zones where they shall not exceed a maximum height of 48 inches;
- F. Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years;
- G. All *fences* shall be placed on the inward side of any required perimeter *landscaping* along the *street frontage*;
- H. Required *street landscaping* may be placed within city *of Kenmore* *street* rights-of-way subject to the city *roadstreet* design standards, provided adequate space is maintained along the *street* line to replant the required *landscaping* should subsequent *street* improvements require the removal of *landscaping* within the rights-of-way;
- I. Required *street landscaping* may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation; and
- J. New landscape material provided within areas of undisturbed *vegetation* or within the protected area of *significant trees* shall give preference to utilizing indigenous plant species. [Ord. 03-0175 § 32; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.090).]

18. ~~4035~~.100

Landscaping – Alternative options.

The following alternative landscape options may be allowed, subject to *city* approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the *site*, such as significant topographic differences, *vegetation*, *structures* or utilities would render application of this chapter ineffective or result in scenic view obstruction:

- A. The amount of required landscape area may be reduced to ensure that the total area for required *landscaping*, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the *site*. For the purpose of this subsection, the net developable area of the *site* shall not include areas deemed unbuildable due to their location within *critical areas* and any associated *buffers*;
- B. The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
 1. *Berms* at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or
 2. The landscape materials are incorporated elsewhere on-site;
- ~~C. In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;~~
- ~~DC. Landscaping standards for uses located in a rural town or rural business centers designated by the comprehensive plan may be waived or modified by the director if deemed necessary to maintain the historic character of the area. Where a local or subarea plan with design guidelines has been adopted, the director/city manager shall base the landscaping modifications on the policies and guidelines of such plan;~~
- ~~ED. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;~~
- ~~EE. Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than 1.5 inches;~~
- ~~GF. The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent when a development uses landscaping materials consisting of species typically associated with the Puget Sound Basin in the following proportions:~~
 1. Seventy-five percent of *groundcover* and shrubs, and
 2. Fifty percent of *trees*;
- ~~H. The department shall develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas;~~
- ~~IG. In the DC and DR zones, alternative landscape requirements may be proposed in order to retain trees (over 12 inches DBH if deciduous or eight inches DBH if evergreen, measured as average trunk diameter at chest height; measured four and one-half feet above grade). This alternative requirement applies only to trees which are beyond what~~

is already required in the city's significant tree ordinance. Interior parking lot landscape requirements may be reduced at a 1:1 ratio equal to the land area within the drip line of the *tree* being retained. [Ord. 03-0175 § 33; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.100).]

18. ~~4035~~.110

Landscaping – Plan design, design review, and installation.

A. The landscape plan submitted to the *department* shall be drawn on the same base map as the development plans and shall identify the following:

1. Total landscape area and separate hydrozones;
2. Landscape materials botanical/common name and applicable size;
3. Property lines;
4. *Impervious surfaces*;
5. Natural or manmade water features or bodies;
6. Existing or proposed *structures, fences, and retaining walls*;
7. Natural features or *vegetation* left in natural state; and
8. Designated recreational open space areas.

B. The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.

C. An affidavit signed by an individual specified in subsection (B) of this section, certifying that the *landscaping* has been installed consistent with the approved landscaping plan, shall be submitted to the *department* within 30 days of installation completion, unless the installed *landscaping* has been inspected and accepted by the *department*.

D. The required *landscaping* shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required *landscaping* during the next appropriate planting season. A *financial guarantee* shall be required prior to issuance of the certificate of occupancy, if *landscaping* is not installed and inspected prior to occupancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.115).]

18. ~~4035~~.120

Maintenance.

A. All *landscaping* shall be maintained for the life of the project;

B. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;

C. With the exception of dead, diseased or damaged *trees* specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

D. Landscape areas shall be kept free of trash. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.180).]

18. ~~4035~~.130

Financial guarantees.

Financial guarantees shall be required consistent with the provisions of KMC Title 21. This time period may be extended to one year by the ~~director~~*city manager*, if necessary to cover a planting and growing season. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.190).]

19. ~~40.140~~

Water use – Applicability of water budget for landscape areas.

Irrigation systems of any type are optional components of a landscape area. However, a water budget for irrigation purposes shall be established for all new development, except for:

A. Individually platted single dwelling (attached or detached) residential lots; provided, that developer installed landscaping in common areas of residential projects is not exempt; and

B. Any project with a total landscaped area less than 500 square feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.300).]

19. 40.150**Water use—Irrigation water budget calculated.**

A. The water budget (WB) allocation shall be calculated using the following formula:

$$WB = (Eto) \times (AF) \times (LA) \times (CF)$$

Eto: Referenced Evapotranspiration Rate (net seasonal irrigation requirement in inches—see table below)

AF: Adjustment factor value of 0.8 (i.e., $0.5 \times (Eto)/0.625$ irrigation efficiency coefficient)

LA: Landscape area (square feet)

CF: Conversion factor value of 0.62 (Eto inches to gallons per square foot)

Reference Eto Table—Historical Data*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Season- Total
Monthly Net Irrigation Requirement (Inches)	0.0 0	0.0 0	0.0 0	0.0 0	1.5 0	3.1 0	4.4 0	3.5 1	1.7 7	0.0 0	0.0 0	0.0 0	14.49

* These figures are based on a 30 year average of National Weather Service Data and represent the amount of additional irrigation required for turf grass. The figures are adjusted for turf typically used in commercial landscaping.

B. The city shall within three years of the implementation of this chapter, submit an evaluation of the WB calculation formula outlined in subsection (A) of this section. The evaluation shall include a recommendation to retain or modify the adjustment factor or components thereof, and shall be made in consultation with groups including landscape professionals and water purveyors.

C. The water budget will be calculated upon the total area of the site in landscape areas and in landscape water features (such as decorative ponds, pools or fountains) that are fed by irrigation water. For the purpose of calculating the water budget, "landscape area" shall mean the entire parcel, less:

1. Critical areas and their buffers;
2. The building footprint;
3. Driveways;
4. Paved portions of parking lots; and
5. Hardscapes (e.g., decks, patios, sidewalks, and other nonporous areas).

D. Areas such as playgrounds, sport fields, golf courses, school yards, or other recreational spaces where the turf provides a playing surface or serves other recreational purposes may be allowed additional water beyond the established water budget. In order to receive additional water for such turf areas, the applicant shall submit a statement designating such turf areas for recreational purposes and specifying additional water needs above the water budget. This additional water need will be based upon the Eto information for the turfgrass species or species mix used in such turf areas.

E. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation.

F. The irrigation water use may be monitored by the water purveyor on a yearly basis after the date of release of the performance bond.

G. Alternative water sources such as recycled wastewater or rainwater are encouraged. Such water sources shall not be subject to the limits of the water budget. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.310).]

19. 40.160**Water use—Estimated water use calculated.**

The estimated water use shall be calculated using the following provisions.

A. Estimated water use (EWU) shall be calculated for each hydrozone by using the following formula:

$$EWU = (Eto) \times (PF) \times (HA) \times (CF) \div IE$$

IE:

Eto: Referenced Evapotranspiration Rate (net seasonal irrigation requirement in inches — see table)

PF: Plant factor value (see subsection (B) of this section)

HA: Hydrozone area (square feet)

CF: Conversion factor value of 0.62 (Eto inches to gallons per square foot)

IE: Irrigation efficiency value

B. Plant factor values shall be as follows, but may be adjusted pursuant to subsection (C) of this section:

1. 0 to 0.3 for low water use plants;
2. 0.4 to 0.6 for average water use plants; and
3. 0.7 to 1.0 for high water use plants.

C. For each hydrozone, plant factor values may be determined and adjusted by the designer (based on professional judgment and applicable reference materials) considering the relevant factors such as:

1. Water requirements of the various plant species proposed;
2. Density of the plantings;
3. Microclimate of the site; and
4. Soil conditions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.320).]

18.40.170

Water use— Irrigation efficiency goals and system design standards.

For purposes of this section, irrigation shall include any means of applying water to landscaped areas. All irrigation is at the applicant's option. Manually applied irrigation methods shall comply with subsections (A) and (B) of this section. Irrigation applied through installed irrigation systems shall comply with subsections (A) through (C) of this section:

A. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, and impervious surfaces by:

1. Considering soil type and infiltration rates;
2. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and
3. Considering special problems posed by irrigation on slopes and in median strips.

B. All irrigation water outlets, except those using alternative water sources, shall be downstream of the meter used to measure irrigation water use.

C. Irrigation systems shall be subject to the following additional provisions:

1. Systems shall not be located on any:
 - a. Turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1); and
 - b. Turfgrass portions of median strips.
2. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters;
3. Systems shall be designed to be consistent with the requirements of the hydrozone in which they are located;
4. Systems shall be designed with the minimum average irrigation efficiency of 0.625;
5. The use of automatic shutoff or override capabilities using rain shutoffs or moisture sensors is encouraged;
6. Systems shall utilize a master control valve connected to an automatic controller;
7. Systems shall make provisions for winterization either by providing:
 - a. Manual drains (automatic drain valves are not permitted at all low points); or
 - b. Means to blow out lines with pressurized air.
8. Separate valves shall be used to irrigate plants with differing water needs.
9. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.330).]

18.40.190**Water use—Irrigation system design, design review and audit at installation.**

A. Irrigation plan design shall be certified by an Irrigation Association (IA)-certified designer or a registered landscape architect or professional engineer with irrigation design experience.

B. The irrigation system must be audited and accepted at installation by an IA-certified irrigation auditor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.340).]

18.40.190**Water use—Irrigation design plan contents.**

Proposed irrigation system design plans shall be drawn on the same base project map as the landscape plan and shall identify:

A. Location and size of any proposed separate water meters for the landscape;

B. Location, type, and size of all components of the irrigation system;

C. Static water pressure at the point of connection to the water supply; and

D. Flow rate (gallons per minute), application rates (inches per hour), and design operating pressure (PSI) for each station. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.350).]

18.40.200**Water use—Irrigation schedules.**

Irrigation schedules consistent with the following shall be submitted:

A. A recommended irrigation program with monthly irrigation schedules based, at a minimum on average monthly Eto, shall be required for before and after establishment.

B. The irrigation schedule shall:

1. Include for each station the run time (in minutes per cycle) and cycles per week;

2. Indicate the amount of applied water (in the applicable billing unit used by a purveyor);

3. Incorporate use of evapotranspiration data reflecting local microclimates;

4. Be adjusted for additional water need in recreational areas;

5. Incorporate additional operating criteria such as avoiding irrigation at times of high temperatures or winds. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.360).]

18.40.210**Water use—Irrigation system maintenance.**

Irrigation systems shall be maintained and inspected periodically to assure proper functioning. Replacement of components shall be of originally specified parts or materials, or their equivalents. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.370).]

Chapter 18.450**DEVELOPMENT STANDARDS – PARKING AND CIRCULATION**

Sections:

18.450.010 Purpose.

18.450.020 Authority and application.

18.450.030 Computation of required off-street parking spaces.

18.450.040 Shared parking requirements.

18.450.050 Exceptions for community residential facilities (CRF) and senior citizen-assisted housingassisted living.

18.450.060 Parking for the disabled.

18.450.070 Loading space requirements.

18.450.080 Stacking spaces for drive-through facilities.

18.450.090 Transit and rideshare provisions.

18.450.100 Pedestrian and bicycle circulation and access.

18.450.110 Off-street parking plan design standards.

- 18.450.120 Off-street parking construction standards.
- 18.450.130 Compact car allowance requirements.
- 18.450.140 Internal circulation road standards.

18.450.010**Purpose.**

The purpose of this chapter is to provide adequate parking for all *uses* allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

- A. Setting minimum off-street parking standards for different land *uses* that assure safe, convenient and adequately sized parking facilities within activity centers;
- B. Providing incentives to rideshare through preferred parking arrangements;
- C. Providing for parking and storage of bicycles;
- D. Providing safe direct pedestrian access from public rights-of-way to *structures* and between *developments*; and
- E. Requiring *uses* which attract large numbers of employees or customers to provide transit stops. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.010).]

18.450.020**Authority and application.**

A. Before an occupancy permit may be granted for any new or enlarged *building* or for a change of *use* in any existing *building*, the *use* shall be required to meet the provisions of this chapter.

B. If this chapter does not specify a parking requirement for a land *use*, the **director/city manager** shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the *site* shall be considered in determining anticipated demand. If the *site* is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than 75 percent of the anticipated demand. In the study the *applicant* shall provide sufficient information to demonstrate that the parking demand for a specific land *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the **director/city manager**.

C. If the required amount of off-street parking has been proposed to be provided off-site, the *applicant* shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the **director/city manager** for compliance with this chapter, and if approved, the contracts shall be recorded with the county records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the **director/city manager**.

D. Upon request from the proponent of any use subject to the provisions of this chapter located in a rural town, rural neighborhood center, or any commercial zone located in a rural area or natural resource production district designated by the comprehensive plan, the director may waive or modify the requirements of this chapter in order to protect or enhance the historic character of the area, and to reduce the need for pavement or other impervious surfaces. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the **director/city manager** shall base allowable waivers or modifications on the policies and guidelines in such plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.020).]

18.450.030**Computation of required off-street parking spaces.**

A. Except as modified in KMC 18.450.070(B) through (D), off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, ~~or~~ restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL (KMC 18.25.030(A)):		
Single detached townhouse	2.0 per dwelling unit	1.5:2.0 per dwelling unit; tandem stalls permitted
<u>Townhouse</u>	2.0 per dwelling unit	1.5 per dwelling unit; tandem stalls permitted
<u>Guest parking</u>	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		
Studio units	1.2 per dwelling unit	1.0:du; tandem stalls permitted
One bedroom units	1.5 per dwelling unit	1.0:du; tandem stalls permitted
Two bedroom units	1.7 per dwelling unit	1.5:du; tandem stalls permitted
Three bedroom units or larger	2.0 per dwelling unit	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
Mobile home park	2.0 per dwelling unit	2.0 per dwelling unit
Senior citizen assisted <u>living</u>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
Community residential facilities	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
Hotel/motel including organizational hotel/lodging	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
RECREATION <u>AL</u> / CULTURAL (KMC 18.25.040(A)):		
Recreational/cultural <u>land</u> uses:	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	—
Tennis club	4 per tennis court plus 1 per 300 square feet of clubhouse facility	—
Golf driving range	1 per tee	—

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Park/playfield	(director/city manager)	(director/city manager)
Theater	1 per 3 fixed seats	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
GENERAL SERVICES (KMC 18.25.050(A)):		
General services <i>land</i> uses:	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Funeral home/crematory	1 per 50 square feet of chapel area	—
Day_care I	2 per facility	2 per facility
Day_care II	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
Church, synagogue, mosque, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds	—
Hospital	1 per bed	1 per bed
Elementary schools	1 per <i>school</i> classroom, plus 1 per 50 students	1 per <i>school</i> classroom, plus 1 per 50 students
Secondary schools:		
Middle/junior high schools	1 per <i>school</i> classroom, plus 1 per 50 students	1 per <i>school</i> classroom, plus 1 per 50 students
High schools	1 per <i>school</i> classroom, plus 1 per 10 students	1 per <i>school</i> classroom, plus 1 per 10 students
High schools with stadiums	Greater of 1 per <i>school</i> classroom, plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school</i> classroom, plus 1 per 10 students, or 1 per 3 fixed seats in stadium

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Vocational schools</i>	1 per school classroom, plus 1 per 5 students	1 per school classroom, plus 1 per 5 students
<i>Specialized instruction schools</i>	1 per school classroom, plus 1 per 2 students	1 per school classroom, plus 1 per 2 students
Colleges/universities	1 per 2 commuting students, faculty and staff	—
<i>Artist studios</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (KMC 18.25.060(A)):		
<i>Government/business services land uses:</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	—
<i>Public agency archives</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	—
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director/city manager)	(director/city manager)
Fire facility	(director/city manager)	(director/city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
Office	1 per 300 square feet	1 per 300 square feet
RETAIL/WHOLESALE (KMC 18.25.070(A)):		
Retail trade land uses:	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1,000 square feet	0.9 per 1,000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet	1 per 300 square feet
MANUFACTURING (KMC 18.25.080(A)):		
Manufacturing land uses	0.9 per 1,000 square feet	–
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES (KMC 18.25.090(A)):		
Resource land uses	(director/city manager)	–
REGIONAL (KMC 18.25.100(A)):		
Regional land uses	(director/city manager)	(director/city manager)

B. An applicant may request a modification of the minimum required number of parking spaces by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such

cases, the **director/city manager** may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the *city* has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* result in different parking requirements, the **director/city manager** will establish the amount of parking based on a likely range of *uses*.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

a. The **director/city manager** may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The **director/city manager** may require additional spaces when it is determined that the *use* or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:

- (1) *Park/playfield*;
- (2) *Marina*;
- (3) *Library/museum/arboretum*;
- (4) *Elementary/secondary school*;
- (5) *Sports club*; or
- (6) *Retail business* (when located along a developed bicycle *trail* or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The **director/city manager** shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two *dwelling units in townhouse* and *apartment* residential *uses*, unless individual garages are provided for every unit. The **director/city manager** may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under *building* and screened from the *street frontage*, unless the additional parking is associated with a phased, *mixed use development* and is interim in nature per KMC 18.450.025.

G. *Tree Retention* – DC and DR Zones. Where an *applicant* proposes retention of *trees* in accordance with KMC 18.4035.100(I) in the DC and DR zones, the **director/city manager** may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements. [Ord. 03-0175 § 34; Ord. 98-0026 §§ 1, 2 (KCC 21A.18.030).]

18.450.040

Shared parking requirements.

The amount of off-street parking required by KMC 18.450.030 may be reduced by an amount determined by the **director/city manager** when shared parking facilities for two or more *uses* are proposed, provided:

A. The total parking area exceeds 5,000 square feet;

B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no *building* or *use* involved is more than 800 feet from the most remote shared facility;

C. The amount of the reduction shall not exceed 10 percent for each *use*, unless:

1. The normal hours of operation for each *use* are separated by at least one hour; or

2. A parking demand study is prepared by a professional traffic engineer and submitted by the *applicant* documenting that the hours of actual parking demand for the proposed *uses* will not conflict and those *uses* will be served by adequate parking if shared parking reductions are authorized;

3. The *use* is a *mixed use development* pursuant to KMC 18.2550.120, in which case a 25 percent reduction may be granted;

4. The *director/city manager* will determine the amount of reduction subject to subsection (D) of this section.

D. The total number of *parking spaces* in the common parking facility is not less than the minimum required spaces for any single *use*;

E. A covenant or other contract for shared parking between the cooperating property owners is approved by the *director/city manager*. This covenant or contract must be recorded with the *city of Kenmore* as a deed restriction on both properties and cannot be modified or revoked without the consent of the *director/city manager*; and

F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *director/city manager* or provide the full amount of required off-street parking for each *use*, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *director/city manager*. [Ord. 03-0175 § 35; Ord. 98-0026 §§ 1, 2 (KCC 21A.18.040).]

18.450.050

Exceptions for community residential facilities (CRF) and senior citizen assisted housing living.

A. The minimum requirement of one off-street *parking space* per two bedrooms for CRFs and one off-street *parking space* per two *senior citizen assisted housing living* units may be reduced by up to 50 percent, as determined by the *director/city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the *CRF* residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a CRF facility or *senior citizen assisted housing living facility* is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.050).]

18.450.060

Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the city. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.060).]

18.450.070

Loading space requirements.

A. Every nonresidential *building* engaged in retail, wholesale, manufacturing or storage activities, excluding *self-service storage* facilities, shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

B. Every *building* engaged in *hotel*, *office building*, *restaurant*, *hospital*, *auditorium*, *convention hall*, *exhibition hall*, *sports arena/stadium* or other similar *use* shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

C. Each *loading space* required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, 6 inches, and shall be surfaced, improved and maintained as required by this chapter. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All *loading space* areas shall be separated from parking areas and shall be designated as truck *loading spaces*.

D. Any *loading space* located within 100 feet of areas zoned for residential *use* shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, *beams*, *berms*, walls, or restrictions on the hours of operation.

E. Multi-story *self-service storage* facilities shall provide two *loading spaces*, and single-story facilities one *loading space*, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet, 6 inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a *building* shall be required to provide *loading space* or spaces as set forth in this chapter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.070).]

18.450.080

Stacking spaces for drive-through facilities.

A. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces for drive-through or drive-in *uses* may not be counted as required *parking spaces*.

B. *Uses* providing drive-up or *drive-through services* shall provide vehicle stacking spaces as follows:

1. For each drive-through lane of a bank/financial institution, business service, or other drive-through *use* not listed, a minimum of five stacking spaces shall be provided; and
2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.080).]

18.450.090

Transit and rideshare provisions.

A. All land uses listed in KMC 18.25.060(A) (*Government/Business Services*), and in KMC 18.25.080(A) (*Manufacturing land uses*), hospitals, high schools, vocational schools, universities and specialized instruction schools shall be required to reserve one *parking space* of every 20 required spaces for rideshare parking as follows:

1. The *parking spaces* shall be located closer to the primary employee entrance than any other employee parking except disabled;
2. Reserved areas shall have markings and *signs* indicating that the space is reserved; and
3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer;

B. The ~~director~~*city manager* may reduce the number of required off-street *parking spaces* when one or more scheduled transit routes provide service within ~~660 feet~~*one-quarter mile (1,320 feet)* of the *site* ~~as measured linearly along streets or other pedestrian pathways~~. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving ~~land uses in KMC 18.25.060(A) (Government/Business Services) and KMC 18.25.080(A) (Manufacturing land uses)~~ up to a maximum of 40 percent; and
2. Two percent for each run serving ~~land uses in KMC 18.25.040(A) (Recreational/Cultural), 18.25.050(A) (General Services), and 18.25.060(A) (Retail/Wholesale land uses)~~, up to a maximum of 20 percent; and

C. All *uses* which are located on an existing transit route and are required under the computation for required off-street *parking spaces* in KMC 18.450.030(A) to provide more than 200 *parking spaces* may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. *Uses* which reduce required parking under subsection (B) of this section shall provide transit shelters if transit routes adjoin the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.090).]

18.450.100

Pedestrian and bicycle circulation and access.

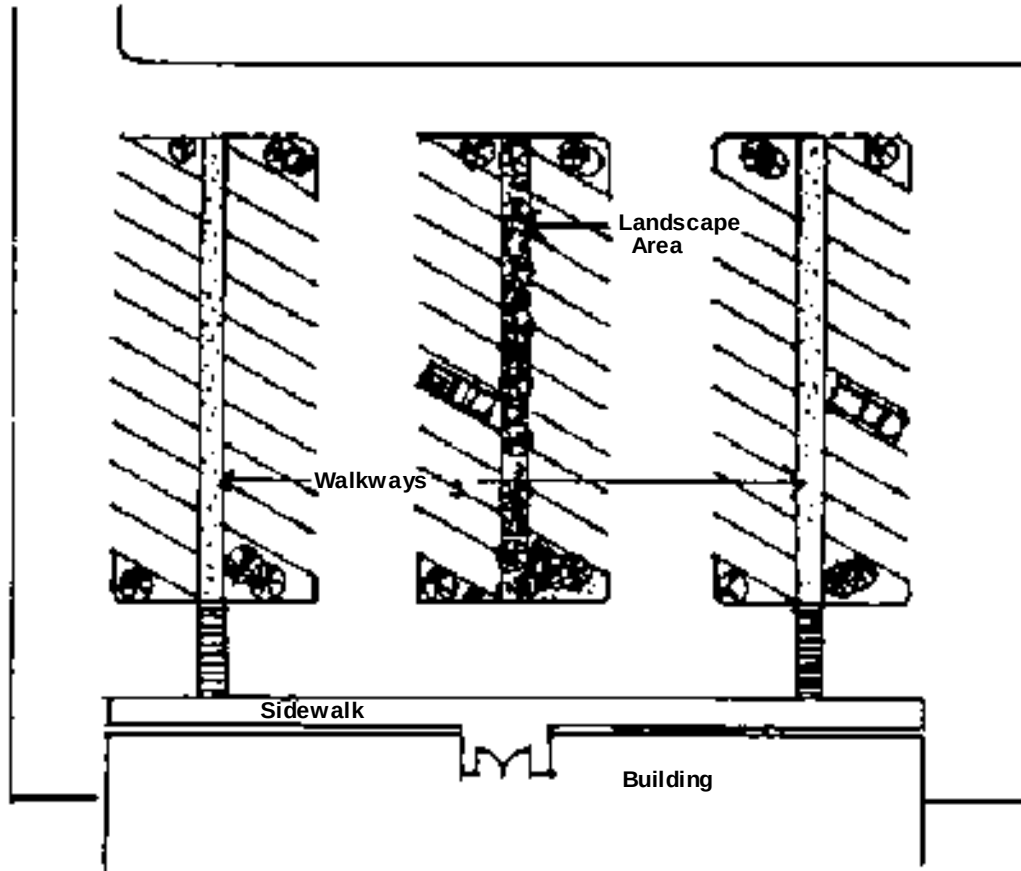
A. *Nonresidential Uses*. All permitted nonresidential *uses* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (1) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (2) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *developments*.

B. Residential Uses.

1. All permitted residential *uses* of five or more *dwelling units* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (a) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (b) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *sites*.

2. Residential *uses* of five or more *dwelling units* shall provide for nonmotorized circulation between cul-de-sacs or groups of *buildings* to allow pedestrian and bicycle access within and through the *development* to adjacent activity centers, *parks*, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public *streets*.

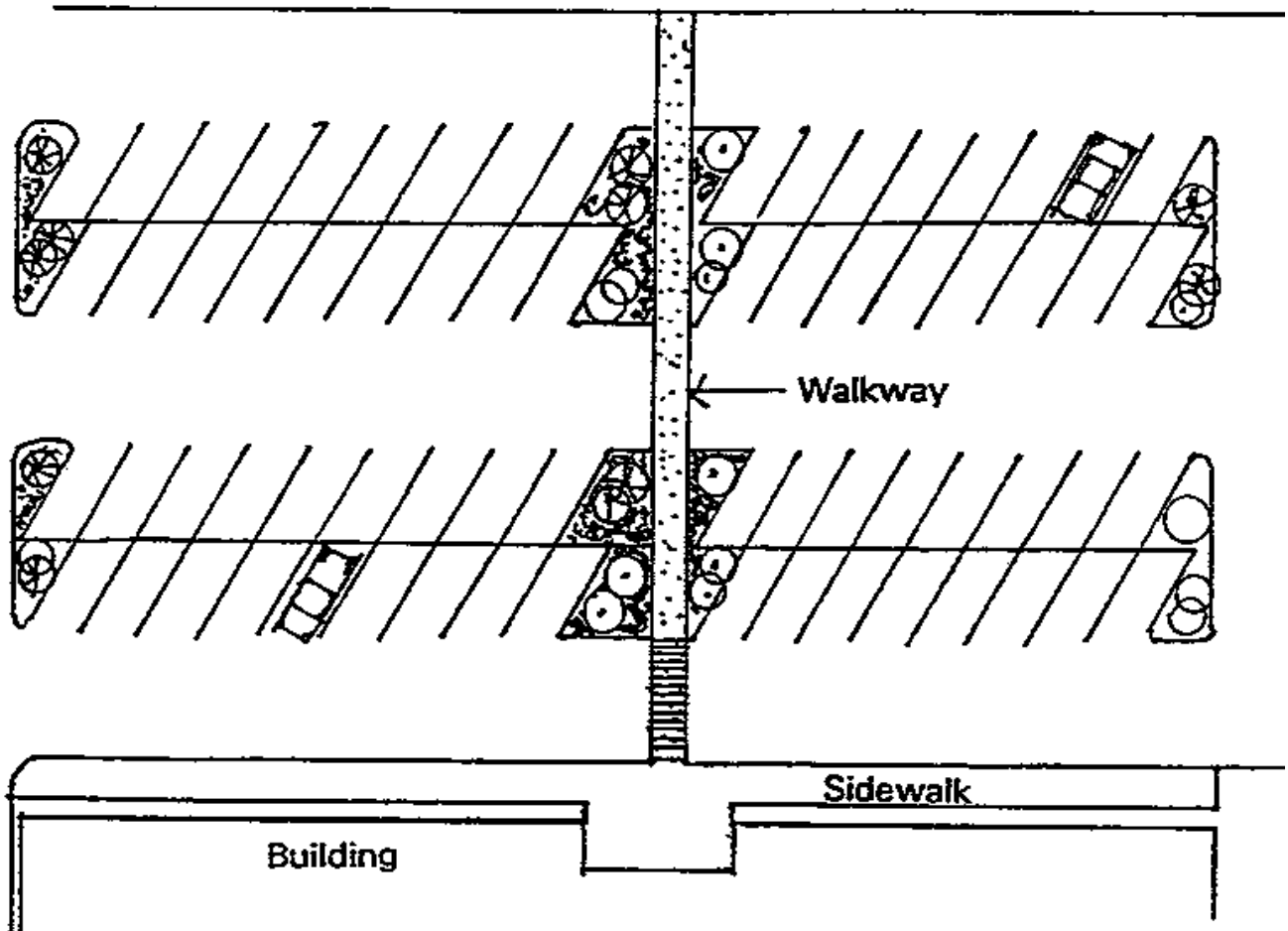
3. Access shall only be required to school bus stops that are within or adjacent to a proposed residential *use* of five or more *dwelling units* and that are identified by the affected *school district* in response to a notice of application. ~~In order to allow school districts to identify school bus stops, the department shall send a notice of application to affected school districts on all applications for residential uses of five or more dwelling units.~~



WALKWAYS RUNNING PARALLEL TO PARKING

C. Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the *site*, or any *parking space*, is more than 75 feet from the building entrance or principal on-site destination and as follows:

1. All *developments* which contain more than one *building* shall provide walkways between the principal entrances of the *buildings*;
2. All nonresidential *buildings* set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the *building* to *buildings* on adjacent *lots*; and
3. Walkways across parking areas shall be located as follows:
 - a. Walkways running parallel to the parking rows shall be provided for every six rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and
 - b. Walkways running perpendicular to the parking rows shall be no further than 20 *parking spaces*. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways.



WALKWAYS RUNNING PERPENDICULAR TO PARKING

D. Pedestrian and bicycle access and walkways shall meet the following minimum design standards:

1. Access and walkways shall be well lit and physically separated from driveways and *parking spaces* by landscaping, *berms*, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
2. Access and walkways shall be a minimum of 48 inches of unobstructed width and meet the surfacing standards of the city of Kenmore roadstreet standards for walkways or sidewalks;
3. The minimum standard for walkways required to be accessible for persons with disabilities shall be designed and constructed to comply with the current State Building Code regulations for barrier-free accessibility;
4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.
- E. Blocks in excess of 660 feet shall be provided with a crosswalk at the approximate midpoint of the block.
- F. The *director/city manager* may waive or modify the requirements of this section when:
 1. Existing or proposed improvements would create an unsafe condition or security concern;
 2. There are topographical constraints, or existing or required *structures* effectively block access;
 3. The *site* is *in a rural area outside of or* not contiguous to an activity center, *park*, common tract, dedicated *open space*, school, transit stop or other public facility;
 4. The *land use* would not generate the need for pedestrian or bicycle access; or
 5. The public is not allowed access to the subject *land use*.

The *director/city manager*'s waiver may not be used to modify or waive the requirements of KMC 18.4540.100 relating to sidewalks and safe walking conditions for students.

G. The provisions of this section shall not apply on *school district* property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.100).]

18.450.110

Off-street parking plan design standards.

A. Off-street parking areas shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the *parking spaces* shall be located on the same *lot* they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the *building* or *building(s)* they are required to serve;
3. For all nonresidential *uses* permitted in residential zones, the *parking spaces* shall be located on the same *lot* they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. In *designated activity*, the community business and neighborhood business *centers/zones*, parking lots shall be located to the rear or sides of *buildings*. Relief from this subsection (A)(4) of this section may be granted by the *director/city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement. The *director/city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;
5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public *streets*; and
6. Parking for the disabled shall be provided in accordance with KMC 18.4540.060.

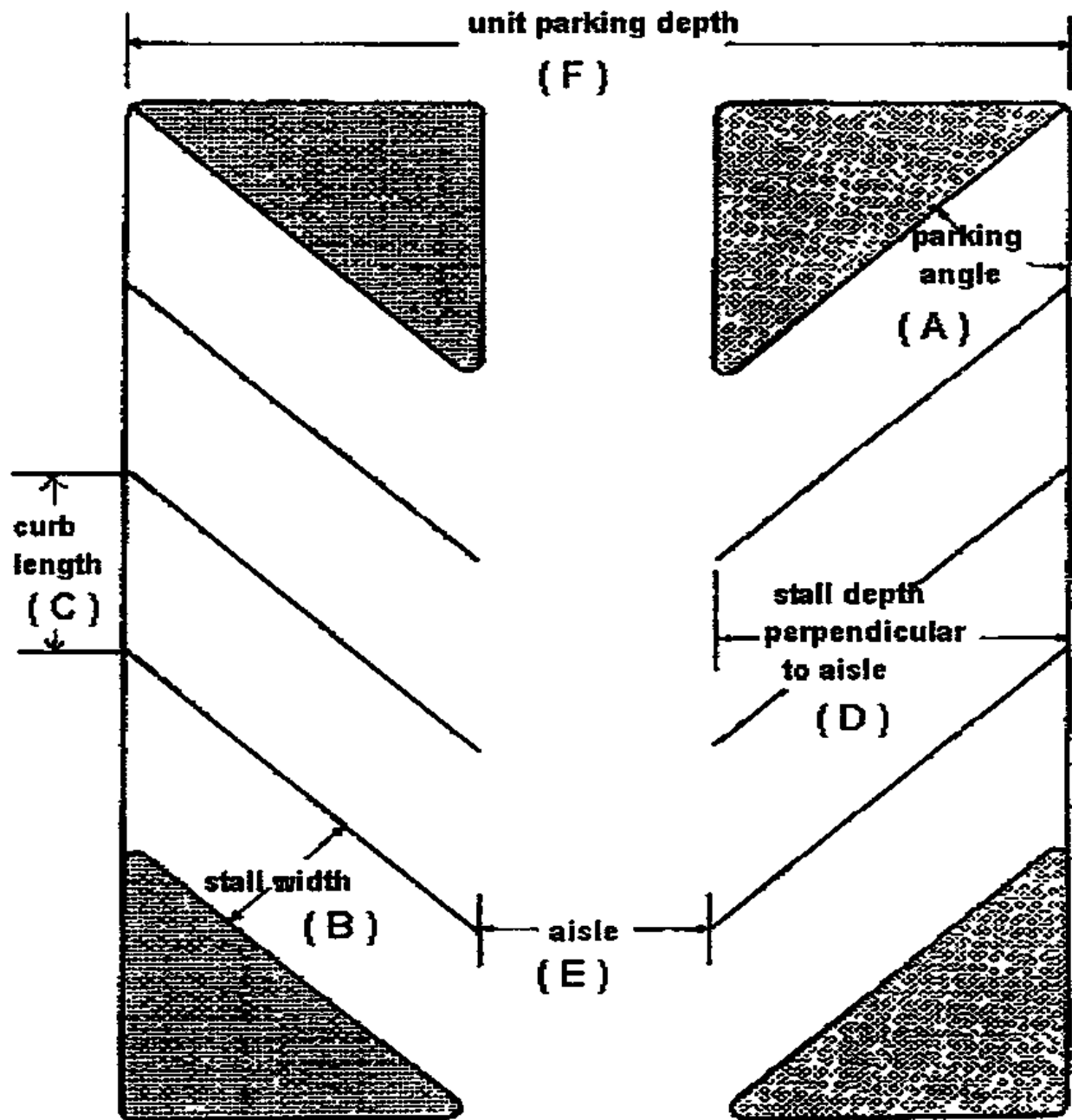
B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *director/city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA

C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent *parking space* by a parking space division stripe.

D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC 18.4035.070(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter 12.50 KMC, *RoadStreet* Standards. Driveways for *single detached dwelling units*, no more than 20 feet in width, may cross required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, provided no more than 15 percent of the required *landscaping* or *setback* area is eliminated by the driveway. *Joint use driveways* may be located within required *landscaping* or *setback* areas. Driveways for all other *developments* may cross or be located within required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, if no more than 10 percent of the required *landscaping* is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the *street*.

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;

2. For all other *developments*, *parking spaces* may be permitted by the *director/city manager* in *setback* areas in accordance with an approved landscape plan; and

3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC 18.40.21021.060.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *director/city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage *for single detached dwellings* must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and
2. A minimum turning radius of 26 feet, 4 inches with a minimum turning diameter, curb to curb, of 52 feet, 5 inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC 18.6545.070.

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

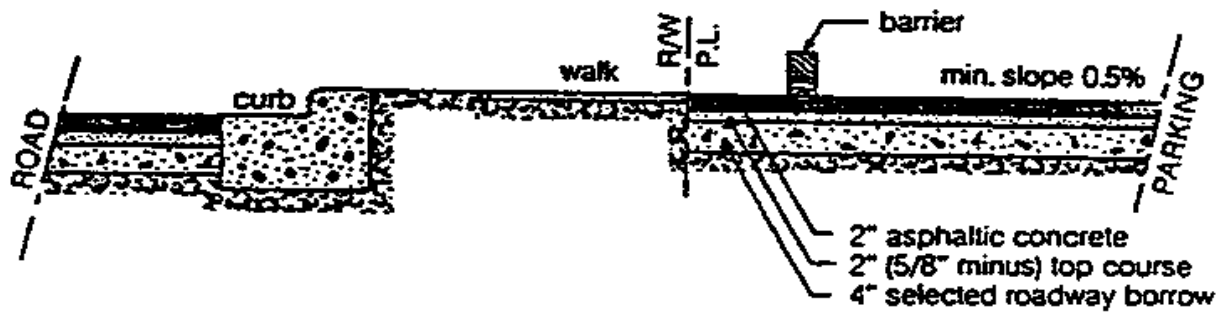
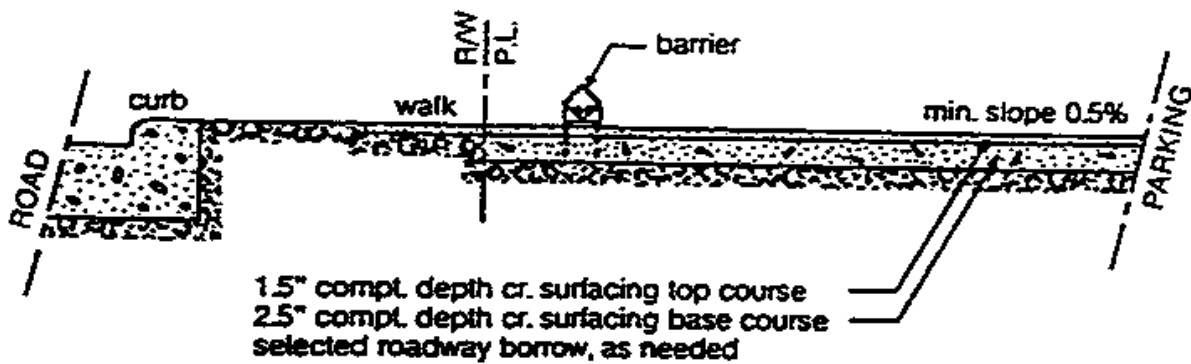
N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.110).]

18.450.120

Off-street parking construction standards.

A. Off-street parking areas shall have dust-free, all-weather surfacing be paved in accordance with city street standards unless otherwise approved by the city manager. Typical approved sections are illustrated below. Frequently used (at least five days a week) off-street parking areas shall conform to the standards shown in Figure A below or an approved equivalent. If the parking area is to be used more than 30 days per year but less than five days a week, then the standards to be used shall conform to the standards shown in Figure B below or an approved equivalent. An exception to these surfacing requirements may be made for certain uses that require intermittent use of their parking facilities less than 30 days per year. Any surface treatment other than those graphically illustrated below must be approved by the director.

DELETE THE FOLLOWING ILLUSTRATIONS (FIGURES A AND B)

MINIMUM SURFACING REQUIREMENTS**A****B**

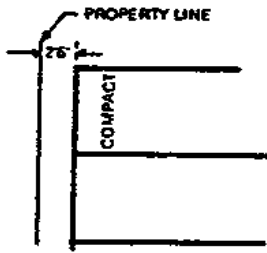
B. *Grading* work for parking areas shall meet the requirements of KMC Title 15. Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 13.35 KMC.

C. ~~Asphalt or concrete surfaced~~Paved parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

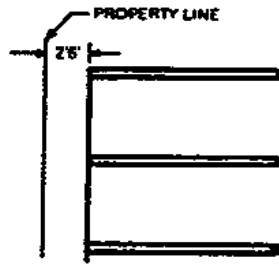
STALL MARKINGS AND WHEEL STOP LOCATIONS

DRAFT

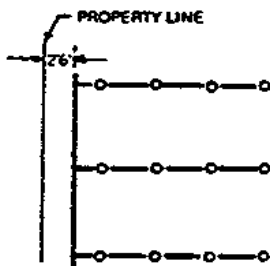
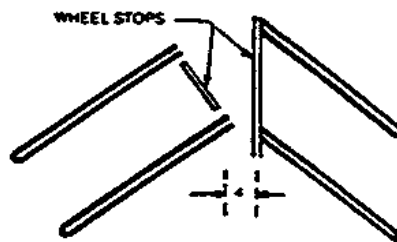
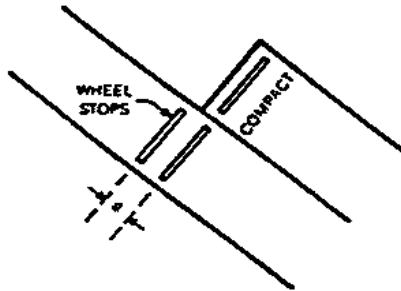
5/23/11



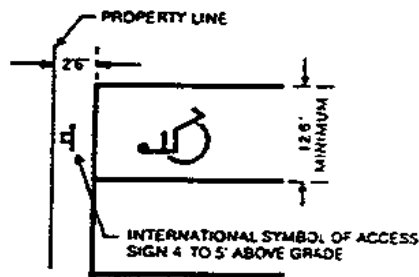
COMPACT MARKING



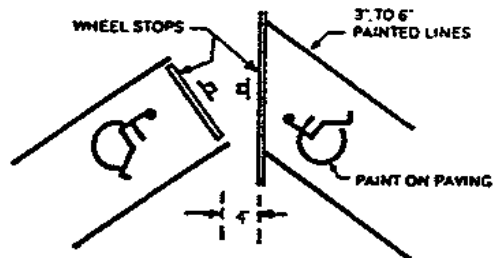
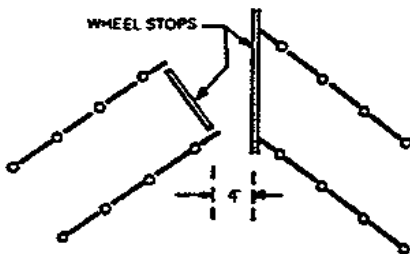
PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING



[Ord. 98-0026 §§ 1, 2 (KCC 21A.18.120).]

18.450.130

Compact car allowance requirements.

In any *development* containing more than 20 *parking spaces*, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

A. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. *Apartment developments* with less than 20 *parking spaces* may designate up to 40 percent of the required *parking spaces* as compact spaces. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.130).]

18.450.140

Internal circulation road standards.

Internal access roads to off-street parking areas shall conform with the surfacing and design requirements for private commercial roads to city street standards set forth in Chapter 12.50 KMC, *Roads Standards*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.140).]

Chapter 18.5042

DEVELOPMENT STANDARDS – SIGNS

Sections:

- 18.5042.010 Purpose.
- 18.5042.020 Permit requirements.
- 18.5042.030 Exempt signs.
- 18.5042.040 Prohibited signs.
- 18.5042.050 Sign area calculation.
- 18.5042.060 General sign requirements.
- 18.5042.070 Community bulletin board signs.
- 18.5042.080 A-frame/sandwich board signs.
- 18.5042.090 Residential zone signs.
- 18.5042.100 Downtown commercial zone signs.
- 18.5042.110 Neighborhood business zone signs.
- 18.5042.120 Community business zone signs.
- 18.5042.130 Regional business zone signs.
- 18.42.135 Signs in the public/semi-public, parks and golf course zones.
- 18.5042.140 Signs or displays of limited duration.
- 18.5042.150 Billboards – Location and height standards.
- 18.5042.160 Billboards – General requirements.
- 18.5042.170 Billboards – Special restrictions in the CB zone.
- 18.5042.180 Billboards – Alteration or relocation limitations.
- 18.5042.190 Billboards – View and vegetative screening protections.
- 18.5042.200 Billboard free areas.

18.5042.010

Purpose.

The purpose of this chapter is to enhance the visual environment of the city by:

A. Establishing standards that regulate the type, number, location, size, and lighting of signs;

B. Recognizing the private purposes of *signs* for the identification of businesses and promotion of products and services; and

C. Recognizing the public purposes of *signs* which includes considerations of traffic safety, economic and aesthetic welfare. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.010).]

18.5042.020

Permit requirements.

A. Except as otherwise permitted by this chapter, no *sign* shall be erected, altered or relocated without approval by the city.

B. No building permit shall be required for repainting, cleaning, or other normal maintenance and repair of a *sign*, or for *sign* face and copy changes that do not alter the size or *structure* of the *sign*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.020).]

18.5042.030

Exempt signs.

The following *signs* or displays are exempted from the regulations under this chapter:

A. Historic site markers or plaques, gravestones, and address numbers;

B. *Signs* required by law, including but not limited to:

1. Official or legal notices issued and posted by any *public agency* or court; or
2. Traffic directional or warning *signs*;

C. Plaques, tablets or inscriptions indicating the name of a *building*, date of erection, or other commemorative information, which are an integral part of the *building* structure or are attached flat to the face of the *building*, which are nonilluminated, and which do not exceed four square feet in surface area;

D. *Incidental signs*, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to *signs* providing directions, warnings or information when established and maintained by a *public agency*;

E. State or federal flags;

F. Religious symbols; ~~and~~

G. The flag of a commercial institution, provided no more than one flag is permitted per business premises, and further provided the flag does not exceed 20 square feet in surface area; ~~and~~ [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.030).]

~~H. *Signs* or banners installed in the right-of-way by the city for purposes of providing information, directions, or decoration.~~

18.5042.040

Prohibited signs.

Except as indicated by this chapter, the following *signs* or displays are prohibited:

A. *Portable signs* including, but not limited to, mobile readerboard *signs*, but excluding A-frame and sandwich board *signs* and other *signs* permitted under KMC 18.5042.080 and 18.5042.140;

B. *Private signs* on utility poles;

C. *Signs* which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control *signs* or signals;

D. *Signs* located in the public right-of-way, except where permitted in this chapter or otherwise by law;

E. Posters, pennants, ~~banners~~, strings of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in KMC 18.5042.140 as grand opening displays; and

F. *Changing message center signs*, where the message changes more frequently than every three minutes. [Ord. 02-0155 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.040).]

18.5042.050

Sign area calculation.

A. *Sign* area for nonmonument *freestanding signs* shall be calculated by determining the total surface area of the *sign* as viewed from any single vantage point, excluding support structures.

B. *Sign* area for letters or symbols painted or mounted directly on walls or *monument signs* or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

C. *Sign* area for *signs* contained entirely within a cabinet and mounted on a wall, roof or monument shall be calculated by measuring the entire area of the cabinet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.050).]

18.5042.060

General sign requirements.

A. All *signs*, except *billboards*, *community bulletin boards*, *community identification signs*, *political signs*, temporary real estate “A-frame” *signs* and special event *signs*, shall be *on-premises signs*; provided, that *uses* located on *lots* without public *street frontage* in business and office zones may have one *off-premises directional sign* of no more than 16 square feet.

B. *Fuel price signs* shall not be included in *sign* area or number limitations of KMC 18.5042.100 through 18.5042.130135, provided such *signs* do not exceed 20 square feet per *street frontage*.

C. Projecting and *awning signs* shall not be permitted for *uses* in the residential zones. *Signs* mounted on the sloping portion of roofs shall not be permitted in the residential, downtown residential, and downtown commercial zones. Allowances for projecting and *awning signs* in the downtown commercial zone are found in KMC 18.5042.100. In other zones, projecting and *awning signs* and *signs* mounted on the sloping portion of roofs may be used in lieu of *wall signs*, provided:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting *building facade*;
3. They meet the standards of subsection (J) of this section if mounted on the roof of a *building*; and
4. They shall not exceed the number or size permitted for *wall signs* in a zone.

D. *Changing message center signs*, and *time and temperature signs*, which can be a wall or *freestanding sign*, shall not exceed the size permitted for a wall or *freestanding sign*, and shall be permitted only in the NB, CB and RB zones. *Changing message center signs* and *time and temperature signs* shall not exceed the maximum *sign* height permitted in the zone. E. *Directional signs* shall not be included in the *sign* area or number limitation of KMC 18.5042.080; provided, they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. *Sign Illumination and Glare*.

1. All *signs* in the NB, CB, RB or DC zone districts may be illuminated. *Signs* in all other zones may be indirectly illuminated, provided the light source for *indirectly illuminated signs* shall be no farther away from the *sign* than the height of the *sign*;

2. *Indirectly illuminated signs* shall be arranged so that no direct rays of light are projected from such artificial source into residences or any *street* right-of-way;

3. Electrical requirements for *signs* shall be governed by Chapter 19.28 RCW and WAC 296- 46-910; and

4. *Signs* with an on/off operation shall be permitted only in the CB and RB zones.

G. Maximum height for *wall signs* shall not extend above the highest exterior wall or *structure* upon which the *sign* is located, except in the DC zone which is governed by KMC 18.5042.100.

H. Maximum height for *projecting signs* shall not extend above the highest exterior wall upon which the *projecting sign* is located.

I. Maximum height for *awning signs* shall not extend above the height of the awning upon which the *awning sign* is located.

J. Any *sign* attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the *building* itself, and shall not extend above the roof ridge line of the portion of the roof upon which the *sign* is attached.

K. Except as otherwise permitted by this chapter, *off-premises directional signs* shall not exceed four square feet in *sign* area.

L. *Mixed use developments* in the NB, CB, DC or RB zones are permitted one permanent residential identification *sign* not exceeding 32 square feet in addition to the maximum *sign* area requirements in the zone where the *mixed use development* is located. [Ord. 08-0293 § 2; Ord. 07-0267 § 21; Ord. 03-0175 § 36; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.060).]

18. ~~5042.070~~**Community bulletin board signs.**

One *community bulletin board sign* is permitted at public schools, in addition to other permitted public school signage. *Community bulletin board signs* are otherwise subject to the following provisions:

A. ~~In the downtown residential or R zones, *community bulletin board signs* shall not exceed 32 square feet per side;~~

~~B. In the downtown commercial and NB zones, *community bulletin board signs* shall not exceed 40 square feet per side;~~

~~C. In the RB zone, *community bulletin board signs* shall not exceed 50 square feet per side;~~

~~D. *Community bulletin board signs* may be internally illuminated;~~

~~E. *Community bulletin board signs* may be electrically controlled and may contain messages that change at intervals of five seconds or greater. All such signs shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;~~

~~F. *Community bulletin board sign* messages are limited to those notifying the public of community events and public services. No commercial advertising shall be permitted on *community bulletin board signs*. Lettering shall be only one color;~~

~~G. *Community bulletin board signs* shall not be located in the right-of-way and shall not impede pedestrian or vehicular traffic;~~

~~H. *Wall signs* and *freestanding signs* are permitted; and~~

~~I. The maximum height for *freestanding signs* shall not exceed 15 feet. [Ord. 08-0293 § 2; Ord. 04-0211 § 1; Ord. 03-0175 § 37; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.065).]~~

18. ~~5042.080~~**A-frame/sandwich board signs.**

A-frame/sandwich board signs shall be permitted throughout the city provided that:

A. Sign does not exceed six square feet per face;

B. Sign is only displayed during business hours;

C. Sign must be displayed on the property containing the business;

D. Sign must not be located in the right-of-way or impede pedestrian or vehicular traffic;

E. Only one sign for each street frontage shall be permitted, up to a maximum of two signs; and

F. No banners, streamers, balloons or pennants may be attached to any sign. [Ord. 02-0155 § 2.]

18. ~~5042.090~~**Residential zone signs.**

Signs in the downtown residential and R zones are limited as follows:

A. Nonresidential Use.

1. One sign identifying nonresidential uses, not exceeding 25 square feet and not exceeding six feet in height is permitted;

2. Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted;

3. Home occupation and home industry signs are limited to wall signs not exceeding six square feet.

B. Residential Use.

1. One residential identification sign not exceeding two square feet is permitted; and

2. One permanent residential development identification sign not exceeding 32 square feet is permitted per development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence, or other structure. [Ord. 03-0175 § 38; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.080).]

18. ~~5042.100~~**Downtown commercial zone signs.**

Signs in the downtown commercial zones shall be limited as follows:

A. Wall signs are permitted, provided they do not total an area more than 10 percent of the building facade on which they are located and provided they are limited to building facades with street frontage or to building facades with a business entrance if the business has an exterior facade which does not face a street. A maximum of two wall signs may

be permitted per allowed facade, except that multitenant *buildings* may have one *wall sign* per business. The *wall sign* shall be placed on the facade not more than 25 feet above grade, measured to the top of the *sign*, except that properties fronting SR-522 may have one *wall sign* above 25 feet above grade if the *sign* is limited to the name and/or logo of the business(es) or *development*.

B. Freestanding Signs.

1. Number and Size.

a. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*. Properties fronting SR-522 may have one *freestanding sign* for the frontage along SR-522 that shall not exceed 75 square feet.

b. Properties providing *freestanding signs* no greater than five feet in height are allowed a maximum *sign* size of 60 square feet, unless located on SR-522 where such *signs* shall not exceed 85 square feet;

2. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided, the combined *sign* does not exceed 80 square feet, except that properties fronting SR-522 may combine signage to a maximum of 100 square feet; and

3. The maximum height for *freestanding signs* shall be 15 feet, unless the *sign* is placed along the frontage of SR-522 when it may be a maximum of 25 feet in height.

C. *Awning Signs*. An *awning sign(s)* may be used in place of a *wall sign* or *freestanding sign*. A maximum of 50 square feet of copy may appear on the vertical face area; the drop edge of the awning shall not exceed 12 inches in height. The maximum height of an awning shall be 10 feet. Awnings may extend over the right-of-way and have clearances according to the terms of the adopted Uniform Building Code. The *awning sign* shall be unlit or externally illuminated. Directed lighting under an awning for purposes of lighting a business entrance is allowed. Backlighting of awnings for *sign* purposes shall not be permitted.

D. *Projecting Signs*. A *projecting sign(s)* may be used in place of a *wall sign* or *freestanding sign*. Such *projecting signs* shall not exceed 12 square feet in size if unlit or externally lit, or six square feet if internally lit. Such *signs* shall be located on *building facades* with *street frontage* or to *building facades* with a business entrance if the business has an exterior facade which does not face a *street*. A *projecting sign* may extend over the public right-of-way by no more than four feet from the wall it is mounted on. When projecting over a public right-of-way, a minimum of eight feet clearance above the surface of the sidewalk is required. [Ord. 08-0293 § 2; Ord. 03-0175 § 39; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.090).]

18.5042.110

Neighborhood business zone signs.

Signs in the NB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 10 percent of the *building facade* on which they are located;

B. Freestanding Signs.

1. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* does not exceed 150 square feet; and

4. The maximum height for *freestanding signs* shall be 15 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.095).]

18.5042.120

Community business zone signs.

Signs in the CB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. *Freestanding Signs.*

1. One *freestanding sign* not exceeding 85 square feet, plus an additional 20 square feet for each additional business in a multiple tenant *structure* but not to exceed 145 square feet total, is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined, provided the combined *sign* area does not exceed 250 square feet; and

4. The maximum height for *freestanding signs* shall be 20 feet. [Ord. 07-0267 § 22; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.100).]

18. ~~5042.130~~

Regional business zone signs.

Signs in the RB zone shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. *Freestanding Signs.*

1. One *freestanding sign* not exceeding 170 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage* not exceeding 150 square feet;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* area does not exceed 300 square feet; and

4. The maximum height for a *freestanding sign* shall be 25 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.110).]

18.42.135

Signs in the public/semi-public, parks and golf course zones.

Signs in the public/semi-public, parks or golf course zone shall meet the standards of the nearest adjoining zone to which the *sign* faces.

18. ~~5042.140~~

Signs or displays of limited duration.

The following temporary *signs* or displays are permitted and except as required by the Uniform Building Code, or as otherwise ~~permitted in~~ required by this chapter, do not require building permits:

A. Grand Opening Displays.

1. *Signs*, posters, pennants, ~~banners~~, strings of lights, blinking lights, balloons and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise ~~or the opening of an enterprise under new management~~, ~~or the re-opening of an enterprise following a substantial building remodel~~; and

2. All grand opening displays shall be removed upon the expiration of 30 consecutive days;

B. Construction Signs.

1. Construction *signs* identifying architects, engineers, planners, contractors or other individuals or firms involved with the construction of a *building* and announcing the character of the *building* or the purpose for which the *building* is intended may be displayed;

2. One nonilluminated, double-faced *sign* is permitted for each public *street* upon which the project fronts;

3. No *sign* shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

4. Construction *signs* must be removed by the date of first occupancy of the premises or one year after placement of the *sign*, whichever occurs first;

C. Political Signs.

1. Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on *private* property with the consent of the property owner. Any such sign, poster or bill shall be removed within 10 days following the election; and

2. No sign, poster, bill or other advertising device shall be located on public property or within public easements or street right-of-way;

D. Real Estate Signs. All temporary real estate signs may be single or double-faced signs:

1. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.

2. ~~Portable off premises~~Real estate open house A-frame/sandwich board residential directional signs announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

3. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property. ~~A building permit is required and shall be issued for a one year period. The permit is renewable for one year increments up to a maximum of three years.~~

4. On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. ~~A building permit is required and shall be issued for a one year period. The permit is renewable annually for up to a maximum of three years. The sign shall be removed within 30 days after closing of the sale or rental of the last lot or dwelling unit in the development or within 3 years of installation, whichever occurs first.~~

5. Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two ~~roadstreet~~ miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. ~~A single building permit is required for all signs and shall be issued for a one year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations. The sign(s) shall be removed within 30 days after closing of the sale or rental of the last lot or dwelling unit in the development or within 3 years of installation, whichever occurs first.~~

6. Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;

E. Community Event Signs.

1. Community event signs shall be limited to announcing or promoting a nonprofit sponsored community fair, festival or event;

2. Community event signs may be displayed no more than the time period specified in the temporary use permit issued pursuant to Chapter 18: ~~405.100~~ KMC; and

3. Community event signs shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.120).]

18. ~~5042.150~~

Billboards – Location and height standards.

A. All billboard alterations or relocations shall comply with the following location and design standards:

1. Billboards shall only be located on sites zoned CB, ~~or~~ RB, ~~or~~ ~~or~~;

2. No more than five billboard faces shall be oriented toward and visible from the same direction of travel within one mile of the proposed relocation site as measured along the adjacent roadway;

3. Billboards shall be located at least 100 feet from any other billboard, provided side-by-side, v-type and back-to-back billboard faces shall be considered one billboard for purposes of this subsection only;

4. The zoning on the opposite side of the street from a proposed relocation site must also permit billboards;

5. Type II *billboards* shall be at least 100 feet from any residential zone. Type I *billboards* shall be at least 330 feet from any residential zone;

6. No *billboard* shall extend beyond the property line of the *billboard site*;

7. No *billboard* shall be located more than 100 feet from any adjacent arterial;

8. *Billboards* shall observe the same *street setback* as all *buildings* within 50 feet of the proposed *billboard* location;

9. Type I *billboard faces* shall only be located adjacent to arterials developed with at least two primary travel lanes in each direction. In all other locations, *billboards* shall be limited to Type II *billboard faces*; and

10. No single *billboard structure* shall support a total of more than two Type I *billboard faces* or the equivalent, and no single *billboard structure* shall orient more than one Type I *billboard face* or the equivalent in any single direction.

B. Height.

1. *Billboards* located in the CB or RB zone shall not exceed 15 feet above the average height of all *buildings* within 330 feet of the *billboard* or 35 feet, whichever is less; and

2. *Billboards* located in the I zone shall not exceed 15 feet above the average height of all *buildings* within 330 feet of the *billboard* or 45 feet, whichever is less. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.130).]

18. ~~5042.160~~

Billboards – General requirements.

A. The total number of *billboard faces* within the city of Kenmore shall not exceed the total number of *billboard faces* existing on June 20, 1988, except as provided in KMC 18.5042.180(E). In addition, the total number of existing *billboard faces* within each zone permitting *billboards* shall not be exceeded except as provided in KMC 18.5042.170.

B. As soon as practical after June 20, 1988 incorporation, the city shall compile an inventory of existing *billboards* within the city. Until the inventory is completed, no *billboard* shall be erected, modified, or relocated, nor shall the city of Kenmore issue any permits. Following completion of the inventory, the city shall grant a *billboard* permit for each existing *billboard* reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this chapter. Only inventoried *billboards* may be subsequently issued *billboard* alteration or relocation permits. *Billboard* owners can accelerate the inventory process by providing the necessary inventory information for their *billboards*. If owners have provided necessary inventory information for all *billboards* in their ownership, the city shall release *billboard* permits for that ownership, regardless of the degree of completion of the remainder of the inventory. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.140).]

18. ~~5042.170~~

Billboards – Special restrictions in the CB zone.

A. In the event that a *billboard* owner elects to relocate CB-zoned *billboards* outside of the CB zone, the CB zone designation shall be removed and that permit may not later be used to relocate a *billboard* in the CB zone.

B. *Billboards* may be relocated only within the zone district identified on the valid *billboard* permit, except the number of *billboards* permitted within non-CB zone district may increase only as a result of *billboard* relocation from within the CB zone district. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.150).]

18. ~~5042.180~~

Billboards – Alteration or relocation limitations.

A. Except as provided in subsection (D) of this section, *billboards* shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a *billboard* alteration or relocation permit. All such permits shall require full compliance with the provisions of KMC 18.5042.150 through 18.5042.200.

B. There shall be no time limit on the eligibility to alter or relocate inventoried *billboards*; however, individual alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by the city of Kenmore, and no further work on the subject *billboard* shall occur until a permit is issued.

C. Relocation of inventoried *billboards* shall also require the issuance of a demolition permit for the removal of the existing *billboard*. *Billboard* demolitions shall be completed within 90 days of permit issuance and prior to installation of the relocated *billboard*.

D. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of an inventoried *billboard* shall not require alteration permits. *Billboard* copy replacement may occur at any time and is exempt from the requirement for alteration permits, provided:

1. New Type II *billboard faces* do not exceed the size of previously inventoried faces; or
2. New Type I *billboard faces* may only exceed the size of the previously inventoried face with temporary cut-out extensions if the *billboard* is otherwise conforming, and if the extensions do not exceed a total of 125 square feet. Any extension shall be removed with the next change of *billboard* copy.

E. Single Type I *billboard faces* may be replaced with two side-by-side Type II *billboard faces*, and likewise two side-by-side Type II *billboard faces* may be replaced with a single Type I *billboard face*, provided each resulting *billboard face* complies with the location and height standards of KMC 18.5042.150.

F. Any location or orientation alteration of *billboards* conforming to the provisions of KMC 18.5042.150 through 18.5042.200 shall be accompanied by the alteration or relocation of an equal number of *billboards* under the control of the same *applicant* which do not fully conform to these provisions, if any nonconforming *billboards* exist. Whenever more than one nonconforming *billboard* exists under a single ownership, they shall be made conforming in the following order:

1. *Billboards* deemed nonconforming pursuant to KMC 18.5042.190;
2. *Billboards* located in zones which do not allow *billboards*;
3. *Billboards* located in *billboard* free areas;
4. *Billboards* located in the CB zone district; and
5. Any other nonconforming *billboard*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.160).]

18.5042.190

Billboards – View and vegetative screening protections.

A. Notwithstanding any other provision of KMC 18.5042.150 through 18.5042.200 or other applicable laws or regulations, no *billboard* shall be located or oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt. Baker, the Olympic Mountains, *Puget Sound*, or any lake or river from adjacent public roadways. All applications for *billboard* alteration or relocation shall be certified by the *applicant* as meeting this provision. Any *billboard* subsequently found to violate this provision shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.5042.180(F).

B. Notwithstanding any other provision of KMC 18.5042.150 through 18.5042.200 or other applicable law or regulation, no *billboard* owner or his agent shall remove, cut, or otherwise alter any vegetative screening on public property or *private landscaping* required by code as a condition of permit approval in order to improve the visibility of a nearby *billboard*. Should such an alteration occur, any *billboard* so benefited shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.5042.180(F). [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.170).]

18.5042.200

Billboard free areas.

A. Notwithstanding any other provision of KMC 18.5042.150 through 18.5042.200, no *billboard* shall be relocated in any of the following areas:

1. Sites listed in either the Washington State or National Register of Historic Places or on sites designated as *city* landmarks or community landmarks;
2. *Open space* and scenic resource sites identified in a *Kenmorecity* *open space* plan;
3. Between any sites identified in subsection (A)(1) or (A)(2) of this section and the nearest adjacent public roadways;
4. Within 660 feet of any state or *city park*;
5. The south and east side of State Highway 522 from Northeast 149th Street to 68th Avenue Northeast;
6. Northeast 175th Street from 61st Avenue Northeast to 68th Avenue Northeast.

B. After *June 20, 1988city incorporation*, any *billboard* located in a designated *billboard* free area shall be deemed nonconforming and shall be relocated pursuant to KMC 18.5042.180(F). [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.180).]

Chapter 18.645

DEVELOPMENT STANDARDS – ADEQUACY OF PUBLIC FACILITIES AND SERVICES

Sections:

- 18.645.010 Purpose.
- 18.645.020 General requirements.
- 18.645.030 Adequate sewage disposal.
- 18.645.040 Adequate water supply.
- 18.645.050 Surface water management.
- 18.645.060 Adequate roadstreets.
- 18.645.070 Adequate vehicular access.
- 18.645.080 Adequate fire protection.
- 18.645.090 School concurrency – Applicability and relationship to fees.
- 18.645.100 Findings, recommendations, and decisions regarding school capacities.
- 18.65.110 Submission of district capital facilities plan and data.
- 18.645.120 School concurrency standard.
- 18.645.130 Credit for improvements.

18.645.010

Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support *development* are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

- A. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to *development*;
- B. Allocating the cost of those facilities and services fairly; and
- C. Providing a general framework for relating development standards and other requirements of this code to:
 - 1. Adopted service level standards for public facilities and services;
 - 2. Procedural requirements for phasing development projects to ensure that services are provided as *development* occurs; and
 - 3. The review of *development permit* applications. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.010).]

18.645.020

General requirements.

A. All new *development proposals* including any *use*, activity or *structure* ~~allowed by Chapter 18.25 KMC~~ that requires city ~~of Kenmore~~ approval shall be adequately served by the following facilities and services prior to the time of occupancy, recording or other land use approval, as further specified in this chapter:

- 1. Sewage disposal;
- 2. Water supply;
- 3. Surface water management;
- 4. ~~RoadStreets~~ and access;
- 5. Fire protection service; and
- 6. Schools.

B. ~~Applications for~~ All new *development proposals* ~~requiring water or sewer service~~ for building permits, plats, short plats, urban planned developments, fully contained communities and binding site plans, that will be served by a sewer or water district, shall include a certificate of water availability and a certificate of sewer availability ~~from the department~~ to demonstrate compliance with this chapter and other provisions of this code, the comprehensive plan and the Growth Management Act.

C. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single *development proposal*. If changes and modifications result in impacts not considered when the proposal

was first approved, the city shall consider the revised proposal as a new *development proposal*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.020).]

18.645.030

Adequate sewage disposal.

All new *development* shall be served by an adequate public or *private* sewage disposal system, including both collection and treatment facilities as follows:

A. A public sewage disposal system is adequate for a *development proposal* provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the *site* of the proposed *development* is or can be served by an existing disposal system consistent with KMC Title 13, and the disposal system has been approved by the *department* as being consistent with applicable state and local design and operating guidelines;

2. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection (A)(1) of this section is installed to serve each *building or lot*;

3. For recording a final plat, final short plat or binding site plan, the approved public sewage disposal system set forth in subsection (A)(1) of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the city of Kenmore for the future installation of an adequate sewage disposal system. The bond may be assigned to a utility to assure the construction of the facilities within two years of recording; and

4. 3. For a zone *reclassification* or urban planned development permit, the timing of installation of required sewerage improvements shall be contained in the approving ordinance; and

B. A *private* individual sewage system is adequate, if an on-site sewage disposal system for each individual *building or lot* is installed to meet the requirements and standards of the Seattle/King County department of public health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.030).]

18.645.040

Adequate water supply.

All new *development* shall be served by an adequate public or *private* water supply system as follows:

A. A public water system is adequate for a *development proposal* provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the *applicant* must demonstrate that the existing water supply system available to serve the *site*:

a. Complies with the applicable planning, operating and design requirements of Chapter 246-290 WAC; Chapter 12.50 and 12.55 KMC and KMC Title 15; coordinated water system plans; KMC Titles 8, 9, 13 and other applicable provisions of the rules and regulations of the Seattle/King County board of public health; and any limitation or condition imposed by the city-approved comprehensive plan of the water purveyor; and

b. The proposed improvements to an existing water system have been reviewed by the *department* and determined to comply with the design standards and conditions specified in subsection (A)(1)(a) of this section; or

c. A proposed new water supply system has been reviewed by the *department* and determined to comply with the design standards and conditions specified in subsection (A)(1)(a) of this section;

2. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection (A)(1) of this section shall be installed to serve each *building or lot* respectively;

3. For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection (A)(1) of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the city of Kenmore and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and

4. 3. For a zone *reclassification* or urban planned development permit, the timing of installation of required water system improvements shall be included in the approving ordinance.

B. An on-site, individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued if:

1. In an urban area if:

A1. The *buildings or lots* to be served are located outside of a *city*-approved water purveyor service area; or
 B2. The water purveyor has indicated that service cannot be provided in compliance with the purveyor's approved comprehensive plan; and
 C3. The Seattle King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The *applicant* shall provide appropriate information to demonstrate to the *department* and the Seattle King County department of public health that a *private* individual water system will be adequate. The Seattle King County department of public health may require installation of *private* individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.040).]

18.645.050

Surface water management.

All new *development* shall be served by an adequate surface water management system as follows:

A. The proposed system is adequate if the *development proposal site* is served by a surface water management system approved by the *department* as being consistent with the design, operating and procedural requirements of the Surface Water Design Manual and KMC Title 13;

B. For a subdivision, *short subdivision*, *zone reclassification*, *site plan review or master plan or urban planned development*, the phased installation of required surface water management improvements shall be stated in the *approving ordinance/conditions of project approval*. Such phasing may require that a bond or similar security be deposited with the *city*; and

C. A *variance request adjustment* from the requirements of the Surface Water Design Manual and KMC Title 13 shall be reviewed as set forth in KMC 13.35.050 and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in *Chapters 18.30 through 18.70 KMC this title*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.050).]

18.645.060

Adequate *roadstreets*.

A. All new *development* shall be served by adequate *roadstreets*. *RoadStreets* are adequate if the *development's* traffic impacts on surrounding public *roadstreets* are acceptable under the level-of-service standards and the compliance procedures established in KMC Title 12.

B. The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.

B. As a result of the impact created by a proposed *development*, dedication or deeding to the *city* of right-of-way or a portion thereof for public *streets* in accordance with *city street* standards shall be required within or along the boundaries of the *site*:

1. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for *street* purposes;

2. Where necessary to extend or to complete the existing or future neighborhood *street* pattern as shown on the *city* street map (see KMC Title 12);

3. Where necessary to provide additions of right-of-way to existing *city* right-of-way;

4. Where necessary to conform to *city street* standards or *city street* improvement projects; or

5. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the Kenmore comprehensive plan.

C. A *variance* request from the *roadstreet* cross-section or construction standards established by KMC Title 12, *RoadStreets* and Bridges, shall be reviewed as set forth in KMC 12.50.060 and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in *Chapters 18.30 through 18.70 KMC this title*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.060).]

18.645.070

Adequate vehicular access.

All new *development* shall be served by adequate vehicular access as follows:

- A. The property upon which the *development proposed* is to be located has direct access to:
1. A public or *private street* that meets city *roadstreet* standards or is formally declared acceptable by the *city road engineer*; or
 2. The property has access to such a *street* over a *private* driveway approved by the *city*;
- B. The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the department and the city road engineer; and
- C. Every lot upon which one or more *buildings* is proposed to be erected or traffic generating use is proposed to be established, shall establish safe access as follows:
1. Safe passage from the *street* right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in Chapter 18.4540 KMC;
 2. Direct access from the *street* right-of-way, fire lane or a *parking space* to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
 3. Direct access from the *street* right-of-way, driveway, *alley* or other means of ingress/egress approved by the city, to all required off-street *parking spaces* on the premises. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.120).]

18.645.080

Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

- A. The *site* of the *development proposed* shall be served by a water supply system that provides at least minimum fire flow and a *roadstreet* system or fire lane system that provides life safety/rescue access, and other fire protection requirements for *buildings* as required by KMC Title 15;
- B. For a zone *reclassification* or *Urban Planned Development*, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the city *of Kenmore*; and
- C. A *variance* request from the requirements established by KMC Title 15 shall be reviewed as set forth in KMC 15.15.090 and/or in Article 2 of the currently adopted edition of the *Uniform* Fire Code and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in *Chapter 18.30 through 18.70 KMC* *this title*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.130).]

18.645.090

School concurrency – Applicability and relationship to fees.

- A. The school concurrency standard set out in KMC 18.6545.120 shall apply to applications for preliminary plat, *short plats of more than four lots* or *Urban Planned Development (UPD)* approval, *mobile home parks*, requests for multifamily zoning, and *land use* and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.
- B. The city's finding of concurrency shall be made at the time of preliminary plat, *short plat* or *UPD* *other land use permit* approval, at the time that a request to actualize potential multifamily zoning is approved, at the time a *mobile home park* site plan is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the *development* shall be considered as vested for purposes of the concurrency determination.
- C. Excluded from the application of the concurrency standard are:
1. Building permits for individual single-family dwellings;
 2. Any form of housing exclusively for *senior citizens*, including nursing homes and retirement centers;
 3. *Shelters for temporary placement, relocation facilities and transitional housing facilities*;
 4. Replacement, reconstruction or remodeling of existing *dwelling units*;
 5. Short subdivisions *of four or less lots*; and
 6. ~~Building permits for residential units in preliminary planned unit developments which were under consideration by King County on January 22, 1991;~~
 7. ~~Building permits for residential units in recorded planned unit developments;~~

8. Building permits applied for by December 31, 1993, related to rezone applications to actualize potential zoning which were under consideration by King County on January 22, 1991;

9. Building permits applied for by December 31, 1993, related to residential development proposals for site plan review to fulfill P Suffix requirements of multifamily zoning which were under consideration by King County on January 22, 1991; and

10. Any residential building permit for any *development proposal* for which a concurrency determination has already been made pursuant to the terms of this title.

D. All of the *development* activities which are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to KMC Title 20.

E. The assessment and payment of impact fees are governed by and shall be subject to the provisions in KMC Title 20 addressing school impact fees.

MOVE PORTIONS OF THIS SUBSECTION TO TITLE 20

F. A certification of concurrency for a school district shall not preclude the city from collecting impact fees for the district. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development, and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.140).]

18.65.100

Findings, recommendations, and decisions regarding school capacities.

A. In making a threshold determination pursuant to SEPA, the *director/city manager* and/or the *hearing examiner*, in the course of reviewing proposals for residential *development* including applications for plats, *short plats*, or *land use approvals for multifamily housing projects*, *UPDs*, *mobile home parks*, or multifamily zoning, and multifamily building permits, shall consider the *school district's capital facilities plan* as adopted by the council.

B. Documentation which the district is required to submit pursuant to KMC 18.65.110 or KMC Title 19 shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific *development*.

C. Based upon a finding that the impacts generated by the plat, *short plat*, *UPD*, *mobile home park* or the multifamily *development* were generally not anticipated at the time of the last council review and approval of a *school district capital facilities plan* and were not included in the district's long-range forecast, the *director/city manager* may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

D. Determinations of the *hearing examiner* or *director/city manager* regarding concurrency can be appealed only pursuant to the provisions for appeal of the *development permit* process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the *hearing examiner* using the appeal procedures for *variances*. Any errors in the formula identified as a result of an appeal should be referred to the council for possible modifications.

E. Where the council has not adopted an impact fee ordinance for a particular *school district*, the language of this section shall not affect the authority or duties of the *hearing examiner* or the *director/city manager* pursuant to the State Environmental Policy Act or the State Subdivision Act. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.150).]

18.65.110

Submission of district capital facilities plan and data.

A. On an annual basis, the school district shall submit the following materials to the city:

1. The district's capital facilities plan adopted by the school board which is consistent with the Growth Management Act.

2. The district's enrollment projections over the next six years, its current enrollment and the district's enrollment projections and actual enrollment from the previous year.

3. The district's standard of service.
 4. An inventory and evaluation of district facilities which address the district's standard of service.
 5. The district's overall capacity over the next six years, which shall be a function of the district's standard of service as measured by the number of students which can be housed in district facilities.
- B. To the extent that the district's standard of service reveals a deficiency in its current facilities, the district's capital facilities plan must demonstrate a plan for achieving the standard of service, and must identify the sources of funding for building or acquiring the necessary facilities to meet the standard of service.
- C. Facilities to meet future demand shall be designed to meet the adopted standards of service. If sufficient funding is not projected to be available to fully fund a capital plan which meets the standard of service, the district's capital plan should document the reason for the funding gap.
- D. If an impact fee ordinance has been adopted on behalf of the school district, the district shall also submit an annual report to the city showing the capital improvements which were financed in whole or in part by the impact fees. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.152).]

18. ~~64~~5.120

School concurrency standard.

A. Schools shall be considered to have been provided concurrently with the *development* which will impact the schools if:

1. The permanent and interim improvements necessary to serve the *development* are planned to be in place at the time the impacts of *development* are expected to occur; or
2. The necessary financial commitments are in place to assure the completion of the needed improvements to meet the *school district's* standard of service within three years of the time that the impacts of *development* are expected to occur. Necessary improvements are those facilities identified by the *school district* in its capital facilities plan ~~as reviewed and adopted by the city of Kenmore.~~

B. Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (A) of this section:

1. The district has received voter approval of and/or has bonding authority;
2. The district has received approval for federal, state, or other funds;
3. The district has received a secured commitment from a developer that the developer will construct the needed *permanent school facility*, and the *school district* has found such facility to be acceptable and consistent with its capital facilities plan; and/or
4. The district has other assured funding, including but not limited to school impact fees which have been paid.

C. Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.160).]

18. ~~64~~5.130

Credit for improvements.

Whenever a *development* is granted approval subject to a condition that the development proponent actually provide a *permanent school facility* acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by KMC Title 20. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.180).]

Chapter 18. ~~8247~~

~~GENERAL PROVISIONS~~ **PROPERTY-SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS**

Sections:

~~18. ~~8247~~.010 Purpose.~~

~~18.8247.030 Property-specific (P-Suffix) development standards—General provisions.~~

~~18.8247.040 Special district overlays (SO) development standards—General provisions.~~

18.8247.010

Purpose.

The purposes of this chapter are to provide for alternative development standards to address unique *site* characteristics and to address development opportunities which can exceed the quality of standard *developments*, by:

~~A. Establishing authority to adopt~~ Identifying property-specific development standards for increasing minimum requirements of this title on individual *sites*; or

~~B. Establishing~~ Identifying special district overlays with alternative standards for special areas designated by community plans or the comprehensive plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.010).]

18.8247.030

Property-specific (P-suffix) development standards—General provisions.

~~A. Adopted~~ ~~P~~ property-specific development standards, denoted by the zoning map symbol ~~P~~ after the zone's map symbol or a notation in the SITUS File, shall be established on individual properties through either reclassifications or area zoning. All property specific development standards are maintained by the *department* of community development in the property specific development conditionsstandards notebook. Upon the effective date of reclassification of a property to a zone with a ~~P~~ suffix, ~~t~~he property-specific development standards adopted thereby shall apply to any development proposal on the subject propertyies subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance, and special use permit. The following P-suffix development standards are in effect: NS-P1, ~~NS P3~~, NS-P4, NS-P10, NS-P13, ~~NS P16~~, NS-P17, and NS-P19, and NS-P22. (SIGNIFICANT CHANGE)

~~B. Property-specific development standards shall address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.~~

~~C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such condition(s), and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property specific development standards are limited to:~~

- ~~1. Limiting the range of permitted land uses;~~
- ~~2. Requiring special development standards for property with physical constraints (e.g., environmental hazards, view corridors);~~
- ~~3. Requiring specific site design features (e.g., building orientation, lot layout, clustering, trails or access location);~~
- ~~4. Specifying the phasing of the development of a site;~~
- ~~5. Requiring public facility site dedications or improvements (e.g., roads, utilities, parks, open space, trails, school sites); or~~
- ~~6. Designating sending and receiving sites for transferring density credits as provided in KMC 18.80.090.~~

~~D. Property specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.030).]~~

18.8247.040

Special district overlays (SO) development standards—General provisions.

~~Special district overlays shall be designated on official area zoning maps and as a notation in the SITUS File, as follows:~~

~~A. A special district overlay shall be designated through the area zoning process as provided in Chapter 19.15 KMC. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay.~~

~~B. A ~~Adopted~~ special district overlays shall be applied to land through an area zoning process as provided in Chapter 19.15 KMC and shall be indicated on the zoning map and as a notation in the SITUS File and shall be designated with the suffix “SO” following the map symbol of the underlying zone or zonesare maintained by the~~

department in the property-specific development standards notebook. The special district overlay development standards apply to any development proposal on the subject properties. The following SO development standards are in effect: SO-050.

C. The special district overlays set forth in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas.

D. The special district overlays set forth in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zones.

EB. Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other city ordinances and regulations govern all development and land uses within special district overlays; and

FC. A special district overlay on an individual site may be modified by property-specific development standards as provided in KMC 18.0247.030. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.040).]

Chapter 18.3550

DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES

Sections:

18.3550.010 Purpose.

~~18.35.020 General layout standards.~~

~~18.35.030 Lot segregations – Zero lot line development.~~

~~18.35.040 Lot segregations – Clustered development.~~

18.3550.050 Townhouse development.

18.3550.060 Attached dwellings and group residences – Applicability.

18.3550.070 Attached dwellings and group residences – Vehicular access and parking location.

18.3550.080 Attached dwellings and group residences – Building facade modulation.

18.3550.090 Mixed use development – Percentages of residential uses.

18.3550.100 Mixed use development – Residential density.

18.3550.110 Mixed use development – Building floor area.

18.3550.120 Mixed use development – Design features.

~~18.35.130 Mixed use development – Phasing – Required plans, requirements, covenants, recordings – Review and approval.~~

18.3550.140 Mobile home parks – Standards for existing parks.

18.3550.150 Mobile home parks – Standards for new parks.

18.3550.160 Mobile home parks – Alternative design standards.

~~18.35.170 Recreation space.~~

~~18.35.180 On site recreation – Play areas.~~

~~18.35.190 On site recreation – Maintenance of recreation space or dedication.~~

~~18.35.200 Financial guarantees.~~

~~18.35.210 Storage space and collection points for recyclables.~~

~~18.35.220 Fences.~~

18.50.180 Re-use of facilities - Purpose

18.750.200 Re-use of facilities – General standards.

18.750.210 Re-use of facilities – Re-establishment of closed public school facilities.

18.750.220 Re-use of facilities – Standards for conversion of historic buildings.

18.3550.230 Hazardous liquid and gas transmission pipelines.

~~18.35.240 Trail corridors – Applicability.~~

~~18.35.250 Trail corridors – Design standards.~~

~~18.35.260 Trail corridors – Maintenance of trail corridors/improvements.~~

~~18.35.270 Short subdivisions or short subdivision alterations Adequacy of access Right of way use permits.~~
~~18.35.280 Proposed formal subdivisions, short subdivisions or binding site plans Railroad buffer strips.~~
~~18.35.290 Preliminary subdivision and short subdivision approval Maintenance of private streets, easements and utilities required.~~

18.35.010

Purpose.

The purpose of this chapter is to improve the quality of *development* by providing *building* and site design standards for specific uses that:

- A. Reduce the visual impact of large residential *buildings* from adjacent *streets* and properties;
- B. Enhance the aesthetic character of large residential *buildings*;
- C. Contain sufficient flexibility of standards to encourage creative and innovative *site* and *building* design;
- ~~D. Meet the on-site recreation needs of project residents;~~
- ~~E. Enhance aesthetics and environmental protection through site design; and~~
- ~~F. Allow for continued or adaptive re-use of historic resources while preserving their historic and architectural integrity. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.010).]~~

18.35.020

General layout standards.

For residential developments in the R zones:

- A. The maximum length of blocks shall be 1,320 feet; and
- B. Except for corner lots, lots for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.020).]

18.35.030

Lot segregations—Zero lot line development.

In any R zone or in the NB zone on property designated commercial outside of center in the urban area, interior setbacks may be modified during subdivision or short subdivision review as follows:

- A. If a building is proposed to be located within a normally required interior setback:
 - 1. An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10 foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
 - 2. The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
 - 3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory style windows or skylights; and
 - 4. The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.
- B. In the R zones, setbacks on existing individual lots may be modified; provided, that the standards set forth in subsection (A)(1) of this section are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.030).]

18.35.040

Lot segregations—Clustered development.

When residential lot clustering is proposed, the following provisions shall be met:

- A. Any open space resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate tract;
- B. In the R-1 zone, open space tracts created by clustering required by KMC 18.30.030 shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan, community plans, or local or subarea plans or open space functional plans, to connect and increase protective buffers for environmentally

sensitive areas as defined in KMC 18.20.2520, to connect and protect wildlife habitat corridors designated by the comprehensive plan and to connect existing or planned public parks or trails. Kenmore may require open space tracts created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.040).]

18.3550.050

Townhouse development.

In the R-1 through R-6 zones and in the NB zone on property designated commercial outside of center in the urban area, a building that contains a grouping of attached townhouse units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of townhouses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.060).]

18.3550.060

Attached dwellings and group residences – Applicability.

The standards of KMC 18.3550.070 and 18.3550.080 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I community residential facilities (CRF-I). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with KMC 18.3550.070 and 18.3550.080. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.070).]

18.3550.070

Attached dwellings and group residences – Vehicular access and parking location.

Except for development located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with Chapter 18.52 KMC, Downtown Design Standards, the following requirements apply:

A. On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I community residential facilities (CRF-I) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the director/city manager due to physical site limitations.

B. When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.

C. When the number of uncovered common parking spaces for attached dwellings and group residences exceeds 30 spaces and when there is alley access, no more than 50 percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the director/city manager due to physical site limitations. [Ord. 03-0175 § 21; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.080).]

18.3550.080

Attached dwellings and group residences – Building facade modulation.

Except for development located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with Chapter 18.52 KMC, Downtown Design Standards, apartment and townhouse developments and all group residences shall provide building facade modulation on facades exceeding 60 feet and facing abutting streets or properties zoned R-1 through R-6. The following standards shall apply:

A. The maximum wall length without modulation shall be 30 feet; and

B. The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet;

C. Any other technique approved by the director/city manager that achieves the intent of this section. [Ord. 03-0175 § 22; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.090).]

18.3550.090**Mixed use development – Percentages of residential uses.**

Residential uses in *mixed use developments* shall be subject to the following limits:

- A. A maximum of 50 percent of the total built floor area when located in NB zones; and
- B. A maximum of 75 percent of the total built floor area when located in CB, RB and DC zones; provided, that the total percentage may be increased by an additional 10 percent with the approval of the *director/city manager*. [Ord. 03-0175 § 23; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.110).]

18.3550.100**Mixed use development – Residential density.**

Base residential density for *mixed use developments* shall be determined using total *site area* according to KMC 18.30.040(A)020. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.120).]

18.3550.110**Mixed use development – Building floor area.**

A. For *mixed use developments* that utilize at least 50 percent of building square footage for residential uses in RB zones, the building floor area ratio shall be as follows: 4.0/1;

B. Building floor area ratios of subsection (A) of this section may be increased when all required parking is contained within a common parking structure, as follows: 5.0/1 in RB zone. [Ord. 03-0175 § 24; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.130).]

18.3550.120**Mixed use development – Design features.**

Mixed use development shall provide off-street parking behind or to the side of *buildings*, or enclosed within *buildings* consistent with KMC 18.4540.030 and any applicable design standards for the district. Relief from this requirement may be granted by the *director/city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Chapter 18.52 KMC, Downtown Design Standards. Outside of the DC and DR zones, the director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings, or enclosed within buildings, to be located to the front of buildings. In the DC and DR zones, the provisions of the downtown design standards shall apply. A 25 percent reduction of required parking is allowed if a *mixed use development* meets the criteria of KMC 18.4540.040 for shared parking. [Ord. 03-0175 § 25; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.135).]

19.35.130**Mixed use development – Phasing – Required plans, requirements, covenants, recordings – Review and approval.**

When residential and commercial uses are proposed to be contained in separate structures and the structures containing residential uses are proposed to be built prior to those containing commercial uses, then a commercial site development permit shall be required and as well as the following:

A. The applicant shall submit a site plan showing the entire mixed use development. The plan shall show project features including the location of the residential and commercial structures, parking areas, landscaping planters, sidewalks, and pedestrian linkages. The plan shall be drawn to scale and provide sufficient detail to ensure all zoning and development standards are met for the entire development.

B. Infrastructure plans, including storm drainage facilities, shall be sized to accommodate the needs of the entire mixed use development. The infrastructure shall be installed with the first phase of the development up to or near the commercial building(s) unless the applicant demonstrates to the department's satisfaction that there is potential for significant damage to the infrastructure during the construction of any later phase of construction.

C. For the purpose of informing future property owners of limitations on future development because of the mixed use provisions of this title, the applicant shall record a covenant on the property that states the restrictions upon the remaining portions of the site that they shall only be used for commercial uses. The covenant shall be recorded prior to the issuance of the building permit for the residential structure(s). The covenant shall be subject to review and approval by the department.

~~D. Land areas for future phases not yet built shall be maintained and planted with landscaping and/or used for paved parking, until such time as the future phase is constructed. [Ord. 03-0175 § 26; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.145).]~~

18. ~~3550~~.140

Mobile home parks – Standards for existing parks.

A. *Mobile home parks* established prior to the effective date of this code shall continue to be governed by all standards relating to density, *setbacks*, *landscaping* and off-street parking in effect at the time they were approved.

B. Placement of new accessory *structures* and replacement *mobile homes* ~~either standard or nonstandard~~ in these *mobile home parks* shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement *mobile homes* are proposed to be installed adjacent to each other under the flexible *setback* option set forth in KMC 18.~~3550~~.160. Where internal *setbacks* are not specified, the average of the prevailing *setbacks* on the pads to either side of the proposed new or replacement *structure* shall apply.

C. No spaces or pads in an existing *mobile home park* shall be used to accommodate *recreational vehicles (RVs)*, except when the spaces or pads were specifically for RVs at the time the park was established.

D. An existing *mobile home park* may be enlarged, provided the proposed enlargement meets the standards set forth in KMC 18.~~3550~~.150 and 18.~~3550~~.160.

E. Both insignia and noninsignia *mobile homes* may be installed in established parks; provided, that all *mobile homes* supported by piers shall be fully skirted, and that nonstandard *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.150).]

18. ~~3550~~.150

Mobile home parks – Standards for new parks.

New *mobile home parks* shall be developed subject to the following standards:

A. A *mobile home park* shall be at least three acres in area;

B. Residential densities in a *mobile home park* shall be as follows:

1. Six dwellings per acre in R-4 zone;

2. The base density of the zone in which the park is located in all R-6 through R-48 zones; and

3. *Mobile home parks* shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for *mobile home parks* set forth in Chapter 18.80 KMC;

C. Both insignia and noninsignia *mobile homes* may be installed in *mobile home parks*; provided, that noninsignia *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15;

D. A *mobile home park* shall be exempt from *impervious surface* limits set forth in ~~Chapter 18.30 KMC~~the zoning standards;

E. At least one of the off-street *parking spaces* required for each *mobile home* shall be located on or adjacent to each *mobile home pad*;

F. Internal roads and sidewalks shall provide access to each *mobile home space* and shall be constructed in accordance with the city of Kenmore ~~road/street~~ standards for residential minor access *streets*;

G. There shall be a minimum of 10 feet of separation maintained between all *mobile homes* on the *site*, unless the flexible *setback* option set forth in KMC 18.~~3550~~.160 is used. Accessory *structures* shall be located no closer than:

1. Ten feet to *mobile homes* on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum *setback* shall be five feet;

2. Five feet to accessory *structures* of *mobile homes* on adjacent spaces; and

3. Five feet to the *mobile home* or other accessory *structures* on the same space, except a carport or garage may be attached to the *mobile home*, and the separation may be waived when such *structures* are constructed of noncombustible materials;

H. All *mobile homes* and RVs supported by piers shall be fully skirted; and

I. A *mobile home park* may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hookups and no RV within the storage area shall be used as living quarters. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.160).]

18.3550.160**Mobile home parks – Alternative design standards.**

As an alternative to the *building* separation and internal *street* standards of KMC 18.3550.150:

A. *Building* separation requirements or *setbacks* between *mobile homes* and accessory *structures* on adjacent spaces may be modified, provided:

1. The common walls meet the fire protection standards set forth in the Uniform Building Code and the standards set forth in the Uniform Fire Code for duplexes, multifamily and condominium *developments*, as applicable; and

2. Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for *structures*, *fences* and yards;

B. *Private streets* may be used with a minimum driving surface of 22 feet in width, provided:

1. The *streets* comply in all other respects with the *roadstreet* standards;

2. All required parking is located off-street and as specified in KMC 18.3550.150(E); and

3. Such *streets* shall not:

a. Directly connect two or more points of vehicular access to the park; or

b. Serve over 100 *dwelling units* within the park. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.170).]

18.35.170 MOVE THIS SECTION TO TITLE 20, IMPACT FEES**Recreation space.**

A. The payment of a parks impact fee, consistent with Chapter 18.100 KMC shall be the preferred method of meeting recreation space requirements for all new development, except as follows:

B. At the discretion of the city, the fee payer may be able to receive credit towards their impact fee for land dedicated, improvements made or other construction completed for park purposes:

1. Such land improvements or construction completed shall be adjacent to other publicly owned land; or

2. Be within an area of the city designated within the city comprehensive plan as in need of park space; or

3. Would in some other way further the goals and objectives of the capital facilities plan or other city plans;

4. All such improvements shall be constructed at an acceptable quality as determined by the city. [Ord. 01-0109 Ch. III, § 4(A); Ord. 00-0097 § 1(A); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.180).]

18.35.180**On-site recreation—Play areas.**

A. Single family detached subdivisions, apartment, townhouse and mixed use development, of more than four units in the R-4 through R-48 and DR zones and stand alone townhouse developments in the NB or DC zone of more than four units, excluding age-restricted senior citizen housing, shall, in addition to meeting the requirements of KMC 18.35.170, provide children play areas within recreation space on-site, except when facilities are available to the public that meet all of the following requirements:

1. Developed as a county, municipal or regional park;

2. Are located within one quarter mile walking distance; and

3. Are accessible without crossing any arterial street;

B. Play area designs shall comply with the following requirements:

1. Provide at least 45 square feet per dwelling unit, with a minimum size of 400 square feet;

2. Be adjacent to main pedestrian paths or near building entrances;

3. Meet the requirements of KMC 18.35.170; and

4. Provide play equipment that meets, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing.

C. Subdivisions with play areas which are contained within the on-site stormwater tracts, but are located outside of the 100-year design water surface, may be credited for up to 50 percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowners' association or other organization as approved by the director;

2. The stormwater facilities shall be constructed to meet the following conditions:

a. The side slope of the stormwater facilities shall not exceed 3:3 percent unless slopes are existing, natural and covered with vegetation;

b. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;

c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas and aesthetic viewing; and

d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

D. In the case of joint use of the tract for stormwater facilities and recreation space, Kenmore shall be responsible for maintenance of the stormwater facilities only and will require a drainage easement for that purpose.

E. A recreation space plan shall be submitted to the department and reviewed and approved with engineering plans.

1. The recreation space plans shall address all portions of the site which will be used to meet recreation space requirements of this section (including stormwater facilities). The plans shall show dimensions, finished grade, equipment, landscaping and improvements, as required by the director, to demonstrate that the requirements of the on-site recreation space per KMC 18.35.170 and play areas per this section have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space pursuant to subsection (A) of this section will be met. [Ord. 03-0175 § 27; Ord. 01-0109 Ch. III, § 4(C); Ord. 00-0097 § 1(C); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.190).]

18.35.190

On-site recreation—Maintenance of recreation space or dedication.

A. Recreation space that meets the criteria in KMC 18.35.170 may, at the discretion of the department of parks and recreation, be dedicated as a park open to the public in lieu of providing the on-site recreation required pursuant to KMC 18.35.170 when the following criteria are met:

1. The dedicated area is at least 20 acres in size, unless when adjacent to an existing or planned city park;

2. The dedicated land provides one or more of the following:

a. Shoreline access;

b. Regional trail linkages;

c. Habitat linkages;

d. Recreation facilities; or

e. Heritage sites; and

3. The dedicated area is located within one mile of the project site.

B. Unless the recreation space is dedicated to the city of Kenmore in accordance with subsection (A) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long term maintenance and operation in a manner acceptable to the city. [Ord. 00-0097 § 1(D); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.200).]

18.35.200

Financial guarantees.

Financial guarantees for construction of recreation facilities required by KMC 18.35.170 and 18.35.180 shall be provided consistent with the provisions of KMC Title 21. [Ord. 00-0097 § 1(E).]

18.35.210

Storage space and collection points for recyclables.

Developments shall provide storage space for the collection of recyclables as follows (for all zones except in the DC and DR zones, or RB zoned properties that are not subject to P suffix condition NS P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, as described in subsection (C) of this section):

A. The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple dwelling developments and any new square feet of building gross floor area in any other developments:

1. One and one-half square feet per dwelling unit in multiple dwelling developments except where the development is participating in a city sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;

3. Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and

4. Five square feet per every 1,000 square feet of building gross floor area in retail developments;

B. The storage space for residential developments shall be apportioned and located in collection points as follows:

1. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building;

2. There shall be one collection point for every 30 dwelling units;

3. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors;

4. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building;

5. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right of way;

C. The storage space for nonresidential developments shall be apportioned and located in collection points as follows:

1. Storage space may be allocated to a centralized collection point;

2. Outdoor collection points shall not be located in any required setback areas;

3. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right of way;

4. Access to collection points may be limited, except during regular business hours and/or specified collection hours;

D. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables;

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site;

3. Collection points shall be identified by signs not exceeding two square feet;

4. A six foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property;

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet;

6. Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area;

E. Only recyclable materials generated on site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off site;

F. The director may waive or modify specific storage space and collection point requirements set forth in this section if the director finds, in writing, that an alternate recycling program design proposed by the applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables;

G. For the DC and DR zones, or RB zoned properties that are not subject to P suffix condition NS P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, the standards in this section above apply as an option. The downtown design standards offer additional options for screening of storage for these zones only. [Ord. 03-0175 § 28; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.210).]

18.35.220**Fences.**

Fences are permitted as follows:

A. Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except:

1. Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

a. In R-1 through R-18, and the resource zones:

(1) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

(2) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

b. In the R-24, R-48 and commercial/industrial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

c. Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection (A)(1)(a)(1) of this section), shall be an open work fence.

B. Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the city of Kenmore building code, KMC Title 15.

C. Electric fences shall:

1. Be permitted in all zones; provided, that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;

2. Comply with the following requirements:

a. An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

b. An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;

c. All electric fences in the R-4 through R-48 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50 foot intervals stating that the fence is electrified; and

d. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and

D. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor wire fence shall be located in any R-4 through R-48 zone. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.220).]

18.50.180**Re-use of facilities - Purpose**

The purposes of KMC 18.50.200 through 18.50.220 are to:

DA. Encourage the adaptive re-use of existing public facilities which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:

1. Temporary re-use of closed public school facilities retained in *school district* ownership, and the reconversion of a temporary re-use back to a school use;

2. Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in *school district* or *public agency* ownership; or

3. Permanent re-use of historic *structures* listed on the National Register or designated as *city* landmarks. [Ord. 03-0175 § 41; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.010).]

18.50.200**Re-use of facilities – General standards.**

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.200).]

18.50.210**Re-use of facilities – Re-establishment of closed public school facilities.**

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit pursuant to KMC Title 15. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.210).]

18.50.220**Re-use of facilities – Standards for conversion of historic buildings.**

In order to insure that significant features of the property are protected pursuant to Chapter 2.20 KMC, the following standards shall apply to conversion of historic buildings:

A. Gross floor area of building additions or new buildings required for the conversion shall not exceed 20 percent of the gross floor area of the historic building, unless allowed by the zone;

B. Conversions to apartments shall not exceed one dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and

C. Any construction required for the conversion shall require certification of appropriateness from the city of Kenmore landmark commission. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.220).]

18.50.230**Hazardous liquid and gas transmission pipelines.**

A. Tracts and easements containing hazardous liquid and gas transmission pipelines and required setbacks from such pipelines may include the following uses, subject to other regulations applicable to each use and approval of the holder of the easement: utility structures not normally occupied necessary for the operation of the pipeline, landscaping, trails, open space, keeping of animals, agriculture, forestry, commercial signage, minor communication facilities and the utility structures not normally occupied necessary for the operation of the minor communication facility, and other compatible uses as specified on the face of the recorded plat or short plat; provided, that structures designed for human occupancy shall never be allowed within pipeline tracts, easements or setbacks.

B. Hazardous liquid and gas transmission pipelines shall not be located in aquifer recharge areas, landslide hazard areas or erosion hazard areas. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety and welfare. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.225).]

18.35.240**Trail corridors – Applicability.**

Trail easements shall be provided by any development, except for single detached residential permits, when such developments are located within any community or regional trail corridor identified by an adopted Kenmore plan or community plan identifying community and/or regional trail systems. The residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement shall be counted as part of the site for purposes of density and floor area calculations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.230).]

18.35.250**Trail corridors – Design standards.**

Trail design shall be reviewed by the department of community development land development and permitting for consistency with adopted standards for:

A. Width of the trail corridor;

B. Location of the trail corridor on the site;

C. Surfacing improvements; and

D. Use(s) permitted within the corridor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.240).]

18.35.260**Trail corridors – Maintenance of trail corridors/improvements.**

Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long term maintenance and operation in a manner acceptable to the parks division. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.250).]

18.35.270**~~Short subdivisions or short subdivision alterations — Adequacy of access — Right of way use permits.~~**

A. Each lot within the short subdivision or short subdivision alteration shall have acceptable access to a street conforming to city road standards or to a lower level of improvement acceptable to the road engineer. Individual lots may be served by access panhandles established either by fee ownership or easement, subject to approval of the city. In order to assure safe and adequate access, the manager:

1. May approve private streets, provided the private street requirements contained in the city road standards of Chapter 12.50 KMC are met;
2. May limit direct access to certain streets and require on site public or private streets in lieu of individual driveways or access panhandles, in accordance with the city road standards;
3. Shall require off site improvements to public or private streets needed to provide access from the short subdivision to a road acceptable to the road engineer; and
4. Shall assure that the number of lots to be served by the road system complies with the road standards.

B. Short subdivisions involving construction within city right of way shall obtain a right of way use permit pursuant to Chapter 12.35 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.300).]

18.35.280**~~Proposed formal subdivisions, short subdivisions or binding site plans — Railroad buffer strips.~~**

Where railroads abut proposed formal subdivisions, short subdivisions or binding site plans, measures to provide a physical separation between the two uses shall be required. These measures may include the use of grade separations, setbacks or barriers such as walls and fences. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.310).]

18.35.290**~~Preliminary subdivision and short subdivision approval — Maintenance of private streets, easements and utilities required.~~**

As a condition of preliminary subdivision and short subdivision approval, all private streets, easements, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair at all times. In order to insure continued good repair, it must be demonstrated to the department prior to plat recording that:

- A. There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and
- B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, easements, community utilities and properties. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.320).]

Chapter 18.52**DOWNTOWN DESIGN STANDARDS**

Sections:

Article I. Introduction and Applicability

- 18.52.010 Purpose and intent.
- 18.52.020 Pedestrian-oriented streets and uses.
- 18.52.030 Scale of downtown development.
- 18.52.040 Example images included in standards.
- 18.52.050 Recommended guiding principles – General.
- 18.52.060 Additional principles – Northwest Quadrant.
- 18.52.070 Applicability.
- 18.52.075 Design Review Process.**
- 18.52.080 Reserved.**

Article II. Definitions**18.52.090 Definitions.****Article III. Site Design – Standards for All Uses**

- 18.52.100 Pedestrian walkways.
- 18.52.110 Northwest Quadrant circulation plan.
- 18.52.120 Public spaces and plazas.
- 18.52.130 Furnishings.
- 18.52.140 Site lighting.
- 18.52.150 Building location/setbacks (for commercial/mixed use buildings).
- 18.52.160 Building setbacks (for residential/primarily residential uses).
- 18.52.170 Surface parking lot location.
- 18.52.180 Parking lot screening.
- 18.52.190 Location of driveways.
- 18.52.200 Outdoor service and storage areas.

Article IV. Building Design – Standards for All Uses

- 18.52.210 Corner features.
- 18.52.220 Roof form.
- 18.52.230 Structured parking.
- 18.52.240 Blank wall and side wall screening.
- 18.52.250 Pedestrian bridges.

Article V. Building Design – Standards for Commercial/Mixed Use Buildings

- 18.52.260 Visible building entrances.
- 18.52.270 Ground floor facades.
- 18.52.280 Ground floor transparency and visibility.
- 18.52.290 Weather protection.
- 18.52.300 Building materials.
- 18.52.310 Upper level setbacks, mass, and bulk.

Article VI. Building Design – Standards for Residential/Primary Residential Uses

- 18.52.320 Primary residential entrances.
- 18.52.330 Building mass and bulk.
- 18.52.340 Materials.
- 18.52.350 Windows.

Article I. Introduction and Applicability**18.52.010****Purpose and intent.**

The Kenmore downtown design standards are intended to implement the *city's* comprehensive plan and vision for the creation of "...a community with an attractive, vital, pedestrian-oriented *city* center offering commercial, civic, cultural and *park* spaces, integrated with higher density housing..." and "...a community with clear design standards creating attractive, functional, and enduring *buildings* and places..."

The purpose of the downtown design standards is to create a pedestrian-oriented downtown by identifying appropriate *site* and development standards for new *development*.

The Kenmore design standards are structured in the following manner. [Ord. 03-0176 § 1.]

18.52.020

Pedestrian-oriented streets and uses.

The highest priority is to provide as much guidance to those elements that affect the development pattern and pedestrian orientation: *building* orientation and location on *site*, relationship to the *street*, and circulation. Standards relating to these topics are more specific and relate to:

- A. A sidewalk environment which is lively, attractive, comfortable, and safe;
- B. Rich visual detail in the built environment which tells the user how *buildings* and places are used;
- C. Visual predominance of *buildings*, walkways, and landscape, less prominent *signs*, and parking lots and *structures* which are generally concealed from view. [Ord. 03-0176 § 1.]

18.52.030

Scale of downtown development.

Standards relating to the character of *development* are structured to provide greater flexibility in *development* and *building* design. They provide a palette of options to consider during the design process and address:

- A. *Ground floors* of *buildings*;
- B. *Buildings* of several stories which create continuity along the streetscape and walkways;
- C. Detail in *building* mass and form which creates human scale with the parts of larger *buildings*. [Ord. 03-0176 § 1.]

18.52.040

Example images included in standards.*

The photographs in this document are included to visually depict the type of *site* or *building* design considerations that could meet the intent of the Kenmore design standards. The images are examples only and are not intended to be interpreted as the only design approach possible.

These photographs correspond to the intent of the visioning process and visual preference survey conducted during the comprehensive plan process and independent research efforts by the planning commission conducted in May 2002. [Ord. 03-0176 § 1.]

*Code reviser's note: Exhibit A to Ordinance 03-0176 contains the photographs for the Kenmore downtown design standards. A copy for public review and examination is on file and available in the office of the *city* clerk.

18.52.050

Recommended guiding principles – General.

A. 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.

B. Address the different characteristics of downtown by encouraging regional serving *development* south of SR-522 and local serving *development* north of SR-522.

C. Support redevelopment in accordance with the vision for the downtown through investment in public infrastructure including transportation, utility, and civic infrastructure.

D. 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.

E. Give priority consideration to strong linkages between the four downtown quadrants and the surrounding neighborhoods. Pedestrian crossings, including a bridge(s), over 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.

F. Create a downtown circulation system that promotes mobility for all modes of travel, emphasizing a loop road circulation system.

G. Create an interconnected system of *trails*, sidewalks, bikeways, and open spaces in downtown.

H. 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.

I. 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.

J. Coordinate public and *private* investment to achieve optimal leverage of public funds.

K. 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.

L. The downtown should acknowledge and create a beneficial and symbiotic relationship with SR-522.

M. Integrate and manage downtown *development* to support sound ecological principles by responding to natural landforms, providing stormwater management, improving water quality, and retaining and adding green spaces.

N. 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. [Ord. 03-0176 § 1.]

18.52.060

Additional principles – Northwest Quadrant.

A. Locate the Civic Center facility (including City Hall, a community center and library) 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 the Civic Center criteria, it should not be ruled out.

B. Locate a multi-modal transportation facility in the Northwest Quadrant linked with other public facilities and spaces, functioning as a key node within a larger regional system.

C. Locate the Civic Center facility at a highly visible and/or accessible location, if possible taking advantage of view corridors to Lake Washington. The facility should provide long-term expansion potential and opportunities for *private* use of *public space*. Additional potential civic uses should be considered. The facility should be prominent, distinguishable and visually attractive.

D. 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.

E. Give priority consideration to public purchase of parcels in the Northwest Quadrant where desired *private* investment is least likely to occur. Public investment may include purchase, long-term lease or other owner/tenant options. [Ord. 03-0176 § 1.]

18.52.070

Applicability.

A. ~~Design standards shall apply as depicted in Figure 18.52.070.A.1. The provisions in the downtown and SR 522 design standards apply to the following properties:~~

~~1. Those properties within the city of Kenmore zoned downtown commercial (DC) and downtown residential (DR);~~

~~2. RB zoned properties that are not subject to P suffix condition NS P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, shall be subject to the Kenmore downtown design standards;~~

~~3. Those properties with frontage along SR 522 and zoned regional business or R 12 through R 48; those properties zoned regional business or R 12 through R 48 that share access from SR 522; RB or R 12 through R 48 zoned properties north of the Sammamish River, south of NE 175th Street, and west of 68th Avenue NE, not otherwise subject to P suffix condition NS P4; and properties zoned RB or R 12 through R 48 that lie between SR 522 and NE 175th Street and 73rd Avenue NE and 80th Avenue NE;~~

~~4. The community business (CB) zone;~~

~~5. Public and semi public zoned properties abutting lands designated as downtown commercial, downtown residential, or regional business;~~

B. The ~~provisions~~components of the design standards shall apply as follows: (X=design component required under the specified standard)

Design Standard	Standard 1	Standard 2	Standard 3
Article II. Site Design - Standards for All Uses			
18.52.100 Pedestrian walkways	X	X	X
18.52.110 Northwest Quadrant circulation plan	X ¹		
18.52.120 Public spaces and plazas	X		X
18.52.130 Furnishings	X		X
18.52.140 Site lighting	X	X	X
18.52.150 Building location/setbacks (for commercial/mixed use buildings)	X	X	X
18.52.160 Building setbacks (for residential/primarily residential uses)	X		X
18.52.170 Surface parking lot location	X	X	X
18.52.180 Parking lot screening	X	X	X
18.52.190 Location of driveways	X	X	X
18.52.200 Outdoor service and storage areas	X	X	X
Article III. Building Design – Standards for All Uses			
18.52.210 Corner features	X	X	X
18.52.220 Roof form	X	X	X
18.52.230 Structured parking	X	X	X
18.52.240 Blank wall and side wall screening	X	X ²	X
18.52.250 Pedestrian bridges	X	X	
Article IV. Building Design – Standards for Commercial/Mixed Use Buildings			
18.52.260 Visible building entrances	X	X	X
18.52.270 Ground floor facades	X		X
18.52.280 Ground floor transparency and visibility	X		X
18.52.290 Weather protection	X		
18.52.300 Building materials	X	X	X
18.52.310 Upper level stepbacks, mass, and bulk	X	X	X
Article V. Building Design – Standards for Residential/Primary Residential Uses			
18.52.320 Primary residential entrances	X	X	X
18.52.330 Building mass and bulk	X	X	X
18.52.340 Materials	X	X	X
18.52.350 Windows	X	X	X

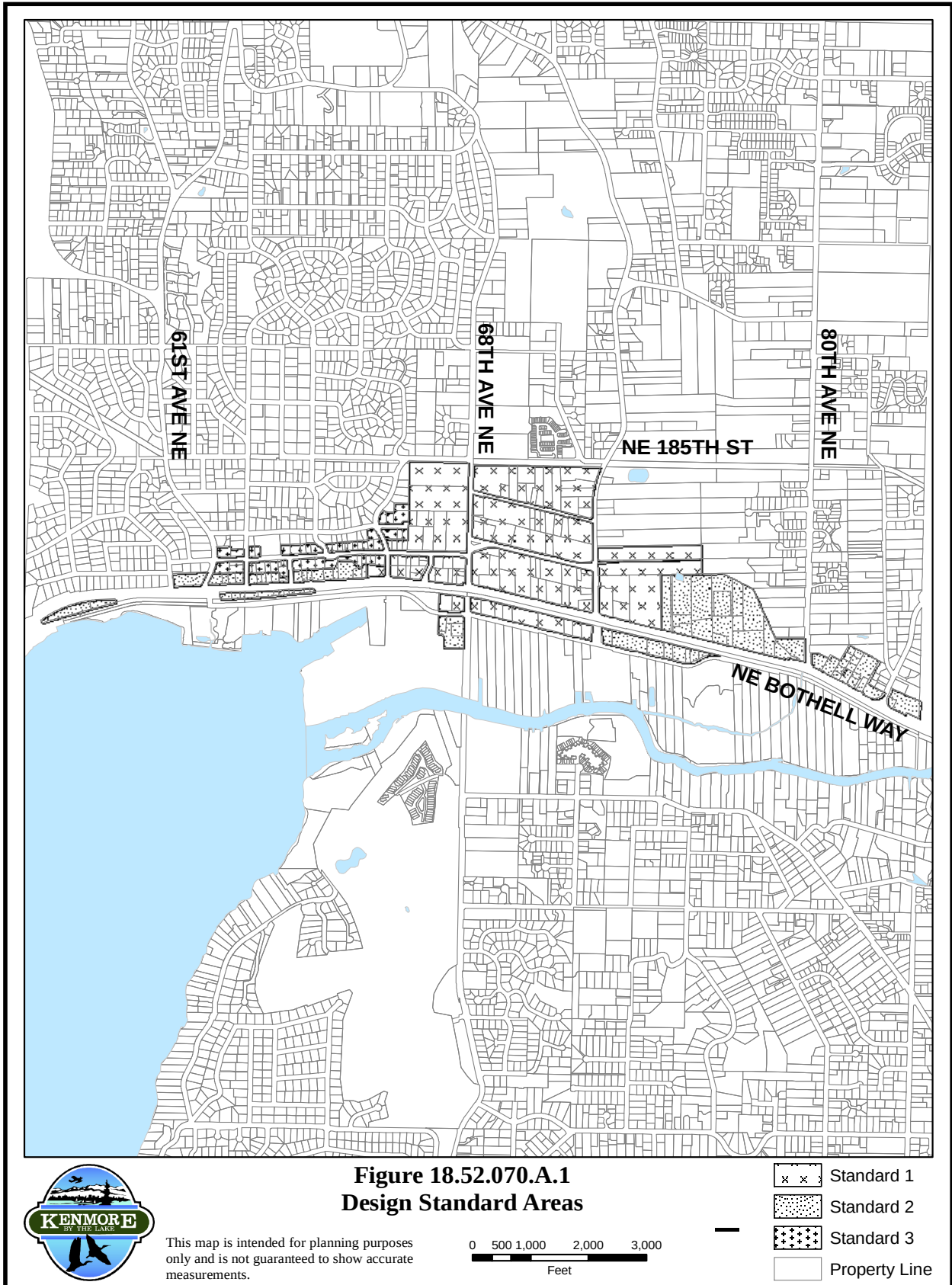
¹ Applicable to the portion of the downtown identified in the Northwest Quadrant Circulation Plan.

² Subsections (A)(1), (3) and (4) of this section only.

C. In the event of conflict between these downtown design standards and any other applicable code, the reviewing official/city manager shall determine the appropriate application of the conflicting codes, recognizing the need to protect public health, safety, and welfare, any specific interpretation criteria, as well as furtherance of the intent of the comprehensive plan and these downtown design standards.

1. All development and redevelopment within the DC and DR zones are subject to the provisions of the design standards.

2. RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, shall be subject to the downtown design standards.



VIIB.

Review of Proposed Amendments to Development Regulations Including Title 17

3. Those properties identified in subsection (A)(3) of this section shall be subject only to the following design standards:

a. Site Design — Standards for All Uses:

- (1) Pedestrian walkways;
- (2) Site lighting;
- (3) Building location/setbacks (commercial/mixed use);
- (4) Surface parking lot location;
- (5) Parking lot screenings;
- (6) Location of driveways;
- (7) Outdoor service and storage areas;

b. Building Design — Standards for All Uses:

- (1) Corner features;
- (2) Roof form;
- (3) Structured parking;
- (4) Blank wall and side wall;
- (a) Subsections (A)(1), (3) and (4) of this section only;
- (5) Pedestrian bridges;

c. Building Design — Standards for Commercial/Mixed Use Buildings:

- (1) Visible building entrances;
- (2) Building materials;
- (3) Upper level stepbacks, mass and bulk;

d. Building Design — Standards for Residential/Primarily Residential Buildings:

- (1) Primary residential entrances;
- (2) Building mass and bulk;
- (3) Materials;
- (4) Windows;

4. CB-zoned properties shall be subject to all downtown design standards with the following exceptions:

a. Site Design — Standards for All Uses:

- (1) Northwest quadrant circulation plan;

b. Building Design — Standards for All Uses:

- (1) Pedestrian bridges;

c. Building Design — Standards for Commercial/Mixed Use Buildings:

- (1) Weather protection;

5. Public and semi public-zoned properties abutting lands designated as downtown commercial or downtown residential, or regional business shall be subject to design standards of Chapter 18.52 KMC.

a. Public and semi public-zoned properties abutting lands designated as downtown commercial, downtown residential shall be subject to all standards applicable to the downtown commercial or downtown residential zones per subsection (B)(1) of this section;

b. Public and semi public-zoned properties abutting lands designated regional business shall be subject to standards applicable to the regional business-zoned properties per subsection (B)(3) of this section.

6D. The following categories of improvements shall comply with applicable design standards:

- a1. New construction;
- b2. Exterior remodels of existing structures;
- e3. Parking reconfigurations;
- d4. Building expansions.

7E. The following categories of improvements are exempt from applicable design standards:

- a1. Re-roofing that does not modify the roof structure;
- b2. Repainting;
- e3. Interior remodels;
- d4. Mechanical equipment replacement;
- e5. Parking lot pavement patching, or stall repainting that does not involve reconfiguration;
- f6. Normal maintenance or minor repair;

~~§7.~~ Any activity in which the total cost or fair market value (whichever is higher) of labor and materials combined does not exceed \$15,000; provided, that the improvement does not involve priority standards listed in subsection (B)(7) of this section. This cost/fair market value figure shall be adjusted upward by five percent annually to address a cost of living increase; provided, that within a three-year period, if the total \$15,000 amount is exceeded, future improvements shall be subject to applicable design standards.

~~§F.~~ The degree to which each standard applies to a ~~development~~ redevelopment project shall be evaluated on a case-by-case basis in an effort to achieve an overall design which meets the purpose and intent of the downtown design standards. In determining the degree of applicability, the ~~reviewing official~~ city manager shall give priority to design standards which address *building* placement, parking standards, window/door treatments, and *first floor facades*.

~~§G.~~ For proposed existing *structure* exterior remodels, or existing *structure* expansions, parking reconfigurations, or other activities subject to design standards that are less than new construction, the ~~reviewing official~~ city manager shall determine the extent of compliance with the design standards as appropriate to recognize current conditions and further the intent of the downtown design standards. The required design or development standards shall be related to the improvement proposed. For example, if a parking reconfiguration is proposed, the required design standards should address *pedestrian walkways* between parking lots and building entrances or parking lot screening; or if a building entrance is modified, visible building entrance requirements should be applied.

18.52.075

Design Review Process.

~~§A.~~ Applications subject to design review shall be reviewed and processed following the permit procedures for the primary permit application(s) consistent with Chapter 19.25 KMC. ~~Appeal procedures for permit decisions involving design standard compliance shall be consistent with Chapter 19.25 KMC.~~ [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 4; Ord. 03-0176 § 1.]

~~B. Design Departure. The city manager may grant approval to depart from strict adherence to the design regulations for new construction/development if:~~

~~1. The proposal results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;~~

~~2. The departure will not have any substantial detrimental effect on nearby properties and the city or the neighborhood.) (SIGNIFICANT CHANGE)~~

18.52.080

Reserved.

~~Repealed by Ord. 07-0267, [Ord. 03-0176 § 1.]~~

Article II. Definitions

18.52.090

Definitions.

~~A. "Arcade" means a series of arches supported by columns, piers, or pillars, often attached to a wall to form a roofed passageway or gallery.~~

~~B. "Architectural elements" means building elements which add detail and finely scaled features to a building facade, such as belt courses, braces, brackets, brick coursing, columns, corbelled brick, cornices, frame elements, window openings, piers, plinths, and sills.~~

~~C. "Articulation" means shifts in wall planes such as stepbacks, reveals, overhangs, and architectural elements and details which are used to create variations in a building facade.~~

~~D. "Blank walls" means any ground floor wall over six feet in height and 15 feet or more in length and/or greater than 400 square feet in total area without architectural embellishments such as windows, doors, or other special wall treatment. Upper floors are not included in blank wall requirements.~~

~~E. "Courtyard" means a private open space internal to development which is not accessible to the public and which is enclosed on at least two sides by structure(s) or fencing.~~

~~F. "Director" means the director of community development.~~

~~G. "Durable materials" means materials capable of withstanding wear and tear with limited maintenance required, long term use, vandal resistant, and weather resistant.~~

H. "First floor facades" means, for the purposes of determining priority standards, the following categories of regulations when applied to the ground floor of buildings: Ground floor facades, ground floor transparency and visibility, blank wall and side wall, and building materials.

I. "Ground floor" means the level of a building accessible from public walkways or public sidewalks that is typically at grade level. Building levels below ground are not considered ground floors.

J. "Human scaled elements" means the perceived size of a building or space relative to the human body. Human scaled elements such as doors, windows, bays, etc., have dimensions and proportions which respond to the size of a human body.

K. "Modulation" means variations in a building facade through the use of setbacks, upper level stepbacks, and/or projections from the building which serve to break up the apparent mass and bulk of a building.

L. "Pedestrian walkway" means a public walkway that connects public streets to other streets, walkways, public spaces, or drives. Public walkways should be lit for nighttime use and be aligned for maximum nighttime visibility.

M. "Public" means government owned or dedicated property or areas open to all persons by design or intent.

N. "Public space/public open space" means an open space or plaza in an area between a building and a street or pedestrian walkway where people gather or sit. Public spaces are open for public use during the daytime and evening and are visible from adjacent streets. Public spaces contain site furnishings, artwork, landscaping, pedestrian lighting, and other amenities which make the space comfortable and inviting.

O. "Public view" means areas which are visible from adjacent public streets, walkways, or public spaces.

P. "Weather protection" means awnings, canopies, arcades or marquees which are permanently fixed to buildings and which cover the public sidewalks to provide protection from the weather for pedestrians. Weather protection should allow light and transparency into ground floor uses. [Ord. 07-0267 § 6; Ord. 03-0176 § 1.]

Article III. Site Design – Standards for All Uses

18.52.100

Pedestrian walkways.

A. Intent.

1. Pedestrian Network. To create on-site pedestrian networks from *streets* and drives to building entrances, through parking lots to connect *buildings* to the *street* (see surface parking location standards), and between *sites*.

2. Through Block Connections. To create through block connections between blocks of *development*, between *streets*, and connecting *streets* to *public spaces*.

B. Standards – Required.

1. Locations. Clear and visible *pedestrian walkways* shall be provided in the following locations:

a. Through Block Connections.

(1) Northwest Quadrant. If the property abuts a proposed pedestrian route designated in the Northwest Quadrant circulation plan, KMC 18.52.110. In areas not identified on the circulation plan, one *pedestrian walkway* shall be provided for an average of every 300 feet or less of *street frontages* in the north-south and east-west directions to create a linked *pedestrian walkway* system around and through the Northwest Quadrant. Distances may vary from exactly 300 feet to accommodate linking adjacent *development* on a case-by-case basis.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

(2) Northeast Quadrant. In the Northeast Quadrant, one *pedestrian walkway* shall be provided between the north and south end of the property, spaced an average of every 300 feet or less of *street frontages*. The walkway must connect with walkways located on other properties established in accordance with this condition. Distances may vary from exactly 300 feet to accommodate linking adjacent *developments* on a case-by-case basis. The comprehensive plan downtown circulation concept shall be a general guide to priority pedestrian links.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

b. *Street* to Building Entrances. Between a public right-of-way and building entrances where the *building* is set back from the *street*, sidewalk, or parking area.

c. Parking Lots to Building Entrances. Between parking lots and building entrances.
 d. *Building to Building*. Between *buildings* where multiple *structures* are a part of a single *development* project.

e. As identified on the Northwest Quadrant circulation plan, which is located in KMC 18.52.110.

2. Minimum/Average Width.

a. For *buildings* up to three stories in height, *pedestrian walkways* shall be a minimum of four feet wide with a minimum average width of six feet. The minimum/average walkway width does not include additional areas which may be required for *landscaping* or *site* furnishings.

b. For *buildings* greater than three stories in height, one of the following shall be used:

(1) A minimum of eight feet wide with a minimum average width of 12 feet. The minimum/average walkway width does not include additional areas which may be required for *landscaping* or *site* furnishings.

(2) *Building* walls above three stories in height shall be stepped back from the first three stories by 10 feet. (See *building* locations/*setbacks*, KMC 18.52.150 and 18.52.160.)

3. Lines of Sight. Locate walkways with clear sight lines for safety. Landscaping and site furnishings in the walkway shall not obstruct visibility of the walkway or sight lines to building entrances.

4. Clearly Defined Walkways. Define all *pedestrian walkways* using a combination of one or more of the following techniques:

a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material. Not all portions of the *pedestrian walkway* are required to be paved; however, a minimum of 60 percent of the *pedestrian walkway* shall provide an all-weather walking surface;

b. Architectural Features. Trellises, railing, low seat walls, *weather protection*, bollards, or other architectural features. Chain link *fences* are not allowed;

c. Landscaped Edges. A continuous, landscaped area a minimum of three feet wide flanking at least one side of the *pedestrian walkway*. *Landscaping* shall meet the city's *landscaping* requirements. In the case of through block connections, this subsection (B)(4)(c) shall apply in all cases, in addition to either subsection (B)(4)(a) or (b) of this section.

5. Lighting. *Pedestrian walkways* shall include lighting such as pedestrian lights, bollards, and accent lighting to assist pedestrian navigation and promote a safe and comfortable walking space.

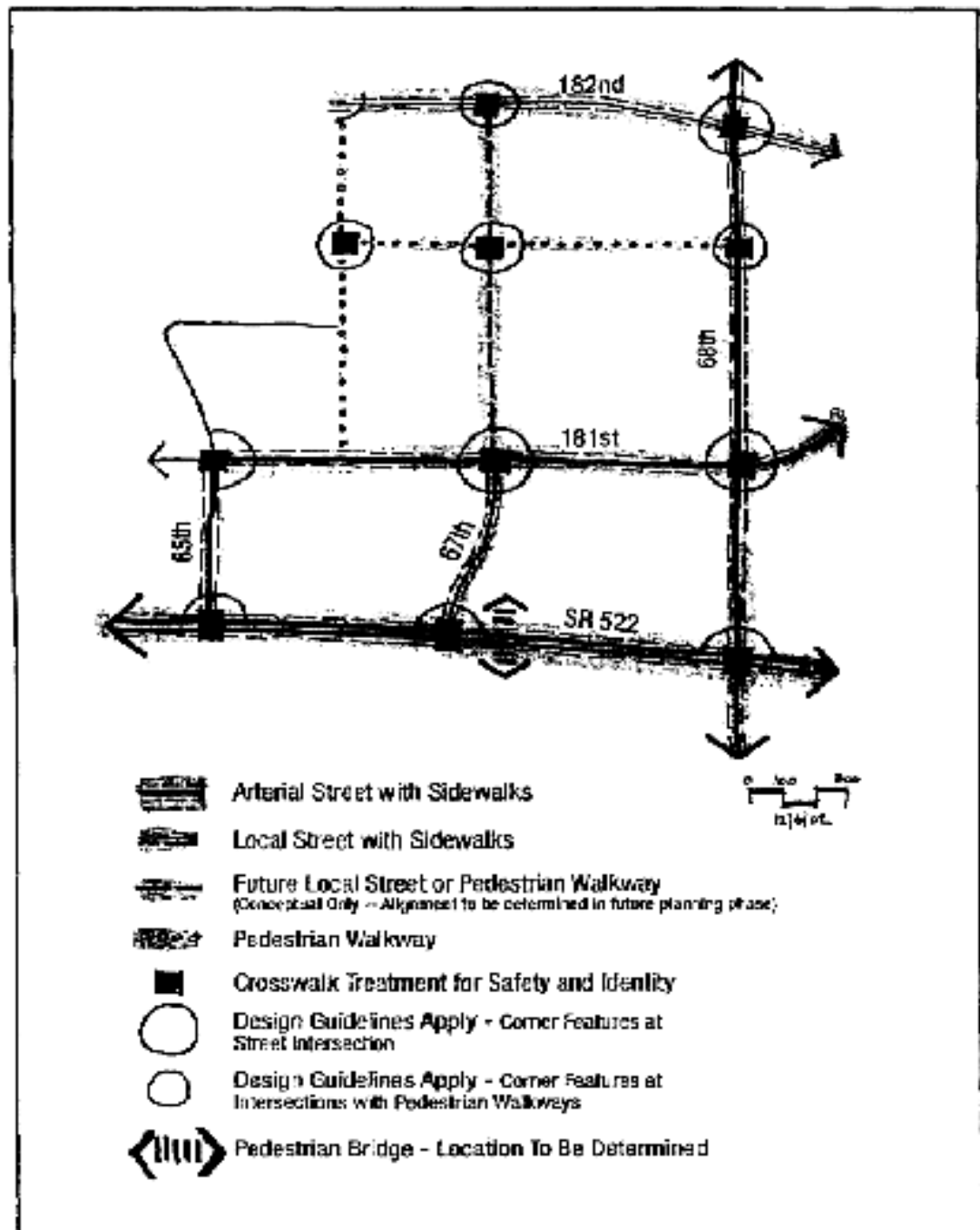
6. *Pedestrian Walkways* in Parking Lots. Where a walkway abuts or intersects a vehicular route (a driveway or driving aisle within a parking lot), *landscaping* shall be required consistent with subsection (B)(4)(c) of this section. If the walkway abuts a driveway or driving aisle on both sides, subsection (B)(4)(c) of this section shall apply to both sides.

C. Not Allowed.

1. Narrow breezeways between *buildings* without architectural embellishments or site furnishings shall not be allowed. [Ord. 03-0176 § 1.]

18.52.110

Northwest Quadrant circulation plan.



Notes: This map is intended for planning purposes only and is not guaranteed to show accurate measurement. Signals at pedestrian crossings will be evaluated on a case-by-case basis.

Source: Arai/Jackson Architects and Planners and Berger/ABAM Engineers.

[Ord. 03-0176 § 1.]

18.52.120

Public spaces and plazas.

A. Intent.

1. Comfortable and Usable *Public Space*. Create usable, accessible, and inviting *public open space* for pedestrians.

B. Standards – Required.

1. Access. *Public spaces* shall be visible and accessible to the public. All *public spaces* shall have pedestrian access from the primary public right-of-way or designated *pedestrian walkway*.

2. *Public Space Amenities*. *Public spaces* and plazas shall include at least one or more of each of the following elements (in subsections (B)(2)(a) through (c) of this section):

a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material.

b. Landscaping. *Trees*, shrubs, trellises, flowers, or container plants.

c. Seating Area. Benches, low seating walls. Four linear feet or at least one seat per 60 square feet of plaza area or open space.

In addition to the requirements in subsections (B)(2)(a) through (c) of this section, *public spaces* and plazas shall also contain one or more of the following elements:

d. Public art, fountain, or sculpture;

e. Drinking fountain;

f. Gazebos or other covered/sheltered space;

g. Other elements which meet the intent of this section such as grade/elevation changes, historic markers, art elements, pools, or others.

3. Site Lighting. Use site lighting such as pedestrian lights, bollards, accent lighting, or *building-mounted* lighting to provide safe and comfortable *public spaces*. See site lighting standards, KMC 18.52.140.

4. Solar Access. Where feasible, locate *public spaces* and *courtyards* to maximize southern and western sun exposure. [Ord. 03-0176 § 1.]

18.52.130

Furnishings.

A. Intent.

1. Furnishings Add Comfort and Detail. To create inviting, pedestrian-friendly *public spaces* by incorporating site furnishings in plazas, *public spaces*, building entries, and in other pedestrian areas.

B. Standards – Required.

1. Durable Furnishings. Site furnishings (benches, tables, bicycle racks, bollards, trash receptacles) and pedestrian amenities shall be made of durable, vandal resistant, and weather resistant materials which do not retain rainwater.

2. Siting. Site furnishings shall be located in all required *public spaces* such as:

a. Plazas, *pedestrian walkways* and other pedestrian areas;

b. Where building *setbacks* are allowed to:

(1) Highlight building entrances (a minimum 3.5 feet recessed depth or greater than or equal to 16 square feet);

(2) Provide seating in a landscaped public area. Seating shall be provided at a ratio of four linear feet or at least one seat per 60 square feet of plaza area or open space.

3. Placement. Site furnishings shall not impede or block pedestrian access to plazas, open spaces, or building entrances.

4. Incorporate Site Furnishings. Use a combination of four or more site furnishings in required *public spaces*. Site furnishings include but are not limited to:

- a. Trash receptacles (required as one of the four site furnishings);
- b. Benches/seating;
- c. Tables;
- d. Bike racks;
- e. Drinking fountains;
- f. Pedestrian-scaled lighting (other than street lights in the public right-of-way);
- g. Public art;
- h. Container plants. [Ord. 03-0176 § 1.]

18.52.140**Site lighting.****A. Intent.**

- 1. Adequate Lighting Levels. To provide adequate lighting levels in pedestrian areas such as plazas, *pedestrian walkways*, parking areas, building entries, and other public areas.
- 2. Complement Street Lighting. To provide pedestrian-scaled, accent, and festival lighting to accompany street lighting.
- 3. Safety. To provide well-lit, comfortable, and safe pedestrian areas.
- 4. Minimize Night Glow. To ensure adequate lighting is confined to the project *site* and minimizes night glow and impacts to adjacent properties.

B. Standards – Required.

- 1. Light Pedestrian Areas. Use pedestrian-scaled lighting to define plazas, *courtyards*, *pedestrian walkways*, crosswalks, building entries, and other pedestrian areas. Pedestrian-scaled lighting includes but is not limited to:
 - a. Pedestrian lights (maximum 14-foot height);
 - b. Bollard lights;
 - c. Accent lighting.
- 2. Shielding. All site lighting shall be shielded and directed away from adjacent *buildings* to avoid glare and “night glow.” Site lighting will be reviewed on a project specific basis to ensure site lighting is directed onto the pedestrian area and away from adjacent *uses*. Site lighting review will address:
 - a. Footcandle illumination;
 - b. Optics;
 - c. Shielding techniques;
 - d. Consideration of adjacent *uses*, especially adjacent residential *buildings*.
- 3. Adequate Illumination. Site lighting shall be reviewed on a project specific basis to ensure pedestrian areas are adequately lit. Review considerations shall include:
 - a. Spacing;
 - b. Height of light fixture;
 - c. Shielding techniques.
- 4. Complementary Style. Site lighting shall complement and coordinate with other site furnishings used throughout the *site development* project and shall complement street lighting in the public right-of-way.
- 5. Light Special Areas. Use accent lighting at focal points such as building entrances, site entrances, public art, and landscape features. [Ord. 03-0176 § 1.]

18.52.150**Building location/setbacks (for commercial/mixed use buildings).****A. Intent.**

- 1. Retail Visibility. To ensure visibility of retail businesses, to establish active, lively uses along the sidewalk, and to encourage strolling in the downtown.

B. Standards – Required.

- 1. *Buildings* Close to Sidewalk. The majority of *buildings* shall be located directly abutting the sidewalk except where set back to highlight building entrances, plazas or to provide wider sidewalks, as follows:
 - a. Highlight Entrances. A minimum *setback* of four feet shall be allowed to highlight entrances or to provide wider sidewalks;

b. Landscaped Area. A maximum *setback* of up to 10 feet shall be allowed to provide seating in a landscaped public area (see KMC 18.52.100(B)(2)(b)(2));

c. Corner *Lots*. On corner *lots*, the *building* shall face the primary *street*; the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features;

d. Plazas at Corners. A maximum *setback* of up to 10 feet on corner *lots* shall be allowed to provide plaza space;

e. Multiple *buildings* in one *development*, or properties subject to compliance with KMC 18.52.170(B)(2), surface parking lot location *street frontage*. At least 55 percent of the *lot* frontage shall be occupied by the primary *building*. The remaining *buildings* and associated parking may be set back further from the *street*. In cases where the *development* is on a corner *lot*, the *building* shall abut the primary *street*; the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features;

f. Properties Fronting SR-522. Parcels fronting SR-522 shall be set back 10 feet from the right-of-way to allow for sidewalks, provided for all parcels fronting on the south side of SR-522 and zoned Regional Business, located east of 61st Avenue NE and west of 68th Avenue NE, the minimum *street setback* requirements shall be as follows:

(1) *Ground floors* shall maintain a minimum and maximum *setback* of 10 feet.

(2) For stories located below the *ground floor*, the minimum *setback* shall be 0 feet, and the maximum *setback* shall be 10 feet.

(3) For facades above the *ground floor* (minimum elevation of 15 feet above street level), the minimum *setback* at any one point shall be no less than five feet, and the maximum *setback* at any one point shall be no greater than 10 feet. The *setback* may be averaged between a minimum of five feet and a maximum of 10 feet for purposes of *modulation*, but shall not be less than or greater than the minimum or maximum *setbacks* at any one point;

g. Recessed entrances are allowed;

h. On-Street Parking. *Buildings* may be set back to a planned right-of-way boundary for the purposes of adding on-street parking. [Ord. 07-0267 § 7; Ord. 03-0176 § 1.]

18.52.160

Building setbacks (for residential/primarily residential uses).

A. Intent.

1. Pedestrian Orientation and Densities. To ensure pedestrian orientation and desired densities in downtown.

2. Transition and Buffer. To provide minor transition and buffer areas between *streets* and residences which can function as outdoor space.

B. Standards – Required.

1. *Buildings* Close to Sidewalk. A minimum six-foot *setback*, with an average *setback* of eight feet per *street frontage* shall be required of primary *structures* to allow for shallow, residential front yards. The minimum *setback* for garages, carports,

and paved parking shall be 10 feet. In the Northwest Quadrant, maximum *setbacks* for any *structures* shall be 10 feet.

2. Modulate *Street Facing Facades*. Use minor *modulation* techniques such as:

a. Recessed entries;

b. Landscaped gardens;

c. Plazas;

d. *Courtyards*.

3. Palette of Front Yard Transition Elements. Use two or more of the following elements to provide front yard transitions and create usable front yard space:

a. Steps;

b. Low *fences*;

c. Trellises;

d. Site furnishings;

e. Low hedges, *trees*, and landscaped borders;

f. Patios if a low *fence* or trellis is included for added privacy.

4. Palette of Entrance Elements. Provide entrance elements such as:

- a. Gates;
- b. Archways or *arbors*;
- c. Walkway covers;
- d. Special paving;
- e. Pedestrian lighting. [Ord. 03-0176 § 1.]

18.52.170

Surface parking lot location.

A. Intent.

1. Maintain Active *Street Frontage*. To maintain contiguous active pedestrian *street frontages* by avoiding parking lot siting along sidewalks and *street frontages*.

2. Impacts. To minimize visual impact of parking lots through screening where parking lots are unavoidable on *street frontages*.

B. Standards – Required.

1. Location of Parking Lots. For all new *development*, parking lots shall be located behind or to the side of *buildings*, or enclosed within or underneath the *building*. Parking lots shall be avoided along primary *street frontages*; on a corner *lot*, the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features. The parking lot screening requirements in KMC 18.52.180 apply where a surface parking lot or portions of a surface parking lot abut a public right-of-way. Parking lots shall not be located between a public right-of-way and the *building* unless the following exceptions apply:

a. No other feasible alternative exists; or

b. The property has frontage on SR-522 and takes primary access from SR-522 as of the effective date of the design standards May 8, 2003; and/or

c. The *development* consists of multiple *buildings* in one *development* on a minimum of four acres;

In which case, the provisions of subsection (B)(2) of this section applies.

2. *Street Frontage*. Where consistent with the exceptions of subsection (B)(1) of this section, parking lots on *street frontages* shall be located between *buildings*, with no less than 55 percent of the property *street frontage* devoted to the *building facade*. The *street frontage* devoted to surface parking shall also be appropriately screened per the parking lot screening standards in KMC 18.52.180.

3. *Pedestrian Walkways*. Where a surface parking lot is located between the public right-of-way and the primary *building*, a *pedestrian walkway* shall be provided through the parking lot to connect the *building* to the *street* per the *pedestrian walkway* standards in KMC 18.52.100 and the development standards of KMC 18.4540.100(C). [Ord. 03-0176 § 1.]

18.52.180

Parking lot screening.

A. Intent.

1. Reduce Visual Prominence. To reduce visual impact of parking lots through screening techniques.

B. Standards – Required.

1. Perimeter Screening. Where surface parking lots are adjacent to a public right-of-way, the parking lot shall provide a minimum 10-foot-wide planting strip between the parking lot and right(s)-of-way. Landscape requirements in the development standards design requirements, Chapters 18.3550 and 18.4035 KMC, also apply.

2. Screening Techniques. Year-round perimeter screening shall provide a visually impervious screen utilizing one or more of the following screening techniques:

a. Screen Walls. Low walls, opaque hedge walls, etc., shall be a minimum of three feet in height and maximum of four feet in height. Where screen walls are used, the 10-foot-wide planting strip requirement may be reduced by two feet.

b. Screen Wall Transparency. For screen walls taller than four feet in height, all elements above four feet shall be made of semitransparent materials, i.e., lattice walls, trellises, etc. Those portions of the screen wall taller than four feet in height shall be a minimum of 85 percent transparency (i.e., see-through railing, trellis, or similar treatment).

c. *Evergreen Shrubs*. Shrubs shall be maintained at a maximum four feet in height from the sidewalk to maintain visibility into the *site* for security/safety purposes. At planting, shrubs shall be a minimum two-gallon pot size or balled and burlapped equivalent.

d. *Trees*. A mixture of *evergreen* and *deciduous trees* and shrubs. At planting, *deciduous trees* shall be a minimum three-inch *caliper*. *Evergreen trees* shall be a minimum of six foot height to the uppermost branching point at planting.

e. *Wood Fences*. If a wood *fence* is used, the *fence* shall have decorative detailing at the top (i.e., trellis materials) and an eight-foot-wide planting strip. The requirements of subsection (B)(2)(b) of this section are also applicable.

3. Supporting Ground Cover. *Evergreen* ground cover, other than grass, shall be used in addition to the screening techniques identified above. A maximum of 45 percent of all ground cover required shall be dedicated to grass.

C. Not Allowed.

1. Plain *Fence*. Unadorned wood *fences* or chain link fencing are not allowed. [Ord. 03-0176 § 1.]

18.52.190

Location of driveways.

A. Intent.

1. Minimize Sidewalk Interruptions. To maintain continuous uninterrupted sidewalks by minimizing, consolidating, and eliminating driveways and promoting shared access to the extent possible.

B. Standards – Required.

1. Locate Driveways. Locate vehicular driveways on side *streets* and *alleys* unless the primary *street* is the only means of access to the *site*.

2. Parking Lot Entrances. Parking lot entrances shall be clearly identified with markers such as a trellis, monument, low wall, or landscaping.

3. Continuous Sidewalks. Extend sidewalk paving across driveway to maintain sidewalk continuity.

4. Kenmore Street Standards. Driveway locations shall satisfy the requirements of the current *city* adopted *street* standards. [Ord. 03-0176 § 1.]

18.52.200

Outdoor service and storage areas.

A. Intent.

1. Screening. To maintain design continuity by screening mechanical, service, and storage areas.

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, *outdoor storage*, trash/recycling containers, satellite dishes, accessory telecommunications devices, etc., shall be fully screened and shall not be visible from adjacent public *streets* or from views above from adjacent *buildings*. The Kenmore development standards and design requirements of KMC 18.35.210, 30.250 also apply.

2. At-Grade Service Areas. At-grade storage areas such as *outdoor storage* and/or trash/recycling containers shall be screened from adjacent *streets* and public rights-of-way and from views above from adjacent *buildings*. Pedestrian-oriented trash receptacles along walkways and in *public spaces* are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round utilizing one or more of the following screening techniques:

a. *Fences* and Walls. Fencing and wall materials shall be integrated and compatible with the design of the *building* (i.e., use the *building's* materials on *fence* columns);

b. Adjacent to *Pedestrian Walkways*. Where an *outdoor storage* area is adjacent to a *pedestrian walkway*, *fences* installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;

c. *Evergreen Hedges* and Shrubs. *Landscaping* shall meet the *city's landscaping* requirements for Type I *landscaping*;

d. *Trees*. A mixture of *evergreen* and *deciduous trees*. *Landscaping* shall meet the *city's landscaping* requirements for Type I *landscaping*.

4. Mechanical Equipment. Locate mechanical equipment early in the design process to ensure integration with the *building* design. Roof-mounted mechanical equipment shall be grouped together, integrated into the *building* design, and thoroughly screened from view from the street level and above from adjacent *buildings*. Roof-mounted screening techniques include but are not limited to:

- a. Roof Treatment. Roof line designed to screen visibility of mechanical equipment from an adjacent public street(s);
- b. Paint. Paint mechanical equipment to match or approximate the color of the roof;
- c. Setbacks. Position mechanical equipment away from *building* edges. [Ord. 03-0176 § 1.]

Article **IVIII**. Building Design – Standards for All Uses

18.52.210

Corner features.

- A. Intent.
 - 1. To ensure architectural interest and pedestrian-scaled detail in downtown.
 - 2. To allow for comfortable pedestrian queuing space.
- B. Standards – Required.
 - 1. Locations Where Standards Apply. Corner features are required at locations specified on the Northwest Quadrant circulation map, KMC 18.52.110; outside of the Northwest Quadrant, corner features shall be provided when conditions in subsections (B)(2) and (3) of this section are present.
 - 2. Corner Features for *Buildings* at Intersections Facing Two Streets.
 - a. Architectural Features. *Building* sides that face corners of public *streets* shall be treated architecturally to emphasize the corner location. Appropriate expressions include:
 - i. Tower forms;
 - ii. Prominent building entries;
 - iii. Oversized window treatment;
 - iv. Special rooflines;
 - v. Plazas;
 - vi. Other treatments which meet the intent of this standard.
 - b. *Building* Corner Setbacks. First floors of *building* corners facing intersections of two *streets* shall be set back 10 feet to accommodate pedestrian circulation. Columns are allowed in the *setback* area up to the size of a two-foot square footprint.
 - 3. Corner Features for *Buildings* at Intersections of a *Street* and a *Pedestrian Walkway* and/or Two *Pedestrian Walkways*. Entrances to *pedestrian walkways* shall be visually emphasized by the use of two of the following elements:
 - a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material which is different from the standard sidewalk material;
 - b. Landscaping. *Trees*, shrubs, trellises, flowers, or container plants;
 - c. Seating Area. Benches, low seating walls;
 - d. Site lighting;
 - e. *City* signage. [Ord. 03-0176 § 1.]

18.52.220

Roof form.

- A. Intent.
 - 1. Distinctive Profiles. To ensure that roof forms provide distinctive profiles and visual interest.
 - 2. Express Base and Top. To provide details which break *buildings* into distinct visible elements of base and top (see upper level setbacks, mass and bulk standards in KMC 18.52.310 for details regarding *building modulation* and *articulation*).
- B. Standards – Required.
 - 1. Commercial *Buildings*. Commercial *buildings* shall use one of the following elements to create a prominent edge:
 - a. Extended parapets;

- b. Projecting cornices;
 - c. Pitched or sloped roofs;
 - d. Decorative molding if greater than or equal to 10 inches wide.
2. Predominantly Residential *Buildings*. *Buildings* which contain predominantly residential *uses* shall use the following elements to break up the massiveness of an uninterrupted flat roof:
- a. Dormers;
 - b. Pitched roofs;
 - c. Stepbacks;
 - d. Roof gardens;
 - e. Cornices;
 - f. Parapets; and
 - g. Intersecting roof forms.
- These types of roof treatments shall be determined at the discretion of the **planning director/city manager**.
- C. Not Allowed.
1. Flat, Unadorned Roofs. Flat roofs without architectural embellishments are not allowed on *buildings* in the downtown. [Ord. 03-0176 § 1.]

18.52.230**Structured parking.**

- A. Intent.
- 1. Visually Integrated. To visually integrate parking garages with other downtown *uses* through active *ground floor uses*, and the use of architectural treatments, such as materials, treatments of openings, and *human-scaled facade elements*.
 - 2. Garage Elevations. To ensure that parking garage facades facing public rights-of-way screen cars from view and resemble commercial, office, civic, and mixed use building elevations.
- B. Standards – Required.
- 1. Retail Frontage Along *Streets*. Parking structures shall provide retail usages for at least 50 percent of the first floor *street frontages* (*sites* fronting 182nd excepted).
 - 2. Treatments in Nonretail Areas. Portions of ground level facade not occupied by retail *uses* shall integrate one or more of the following into the ground level facade:
 - a. Ornamental grillwork (other than plain horizontal or vertical bars);
 - b. Decorative artwork (metal panels, ceramic, mosaics, etc.);
 - c. Display windows for events;
 - d. Brick, tile, or stone;
 - e. Pre-cast panels;
 - f. Wood paneling;
 - g. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240;
 - h. Other treatments which meet the intent of these standards.
 - 3. Opening Size. The maximum size of window and facade openings shall be 64 square feet (excluding driveway/parking garage entry). The window/facade openings shall be treated further with minimum 24-inch mullions to prevent large openings in the parking garage facade.
 - 4. Treatments in Primarily Residential Areas. Ground level facade treatments for residential parking garages shall integrate one or more of the following:
 - a. Ornamental grillwork (other than plain horizontal or vertical bars);
 - b. Decorative artwork (metal panels, ceramic, mosaics, etc.);
 - c. Brick, tile, or stone;
 - d. Pre-cast panels;
 - e. Wood paneling;
 - f. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240.
 - 5. Facade *Articulation*. At least two of the following elements shall be incorporated into parking garage facades to articulate the facade and provide *human-scaled architectural elements*:
 - a. Piers or pilasters;

- b. Recessed window openings;
- c. Window sills and details;
- d. Masonry trim;
- e. Accent materials;
- f. Tile, stone, or pre-cast panels;
- g. Other treatments which provide facade *articulation*.

6. *Architectural Elements* in Vehicular Entrances. Vehicular entrances to structured parking shall incorporate two of the following elements into the design:

- a. Arches;
- b. Lintels;
- c. Piers or pilasters;
- d. Masonry trim;
- e. Planters;
- f. Ornamental lighting;
- g. Tile, stone, or pre-cast panels.

7. *Townhouse* Units. Each unit shall have an individual garage, enclosed under the living spaces. Such garage shall be located on a different facade from the main entry of the unit.

C. Not Allowed.

- 1. Plain Concrete Facades. Plain, unadorned, or smooth concrete facades are not allowed.
- 2. Horizontal or Vertical Bars. Unadorned horizontal or vertical bars are not allowed in parking garage window openings. [Ord. 03-0176 § 1.]

18.52.240

Blank wall and side wall screening.

A. Intent.

1. Continuity of Visual Interest. To ensure that all sides of a *building* in the *public view* have visual interest and continuity of pedestrian-oriented building scale.

B. Standards – Required.

1. Architectural Treatments for Visible *Building* Sides. All sides of *buildings* visible from a public right-of-way shall be treated with two or more of the following elements:

- a. Visible rooflines (i.e., cornices, extended parapets, pitched/sloped roofs, decorative *molding*, etc.);
- b. Windows;
- c. Secondary entrances;
- d. Balconies;
- e. Awnings;
- f. Oversized window treatments;
- g. Other architectural details which meet the intent of this standard.

2. Detailed Walls Required. *Ground floor* walls (including *retaining walls*) within *public view* shall have architectural detail such as windows, doors, reveals, and other architectural features as described in the *building* design section of these standards. A wall is considered a *blank wall* if:

- a. A *ground floor* wall or portion of a *ground floor* wall over six feet in height that has a horizontal length greater than 15 feet and does not include architectural detailing; or
- b. Any portion of a *ground floor* wall having a surface area of 400 square feet or greater.

3. *Blank Wall* Screening. Where a *blank wall* within the *public view* is unavoidable due to Uniform Building Code regulations (such as where a side *building* wall abuts a property line), *blank walls* shall be treated with two or more of the following:

- a. *Vegetation*, including *trees*, shrubs, *evergreen* ground cover (in conjunction with other landscaping) or vines adjacent to the *blank wall* surface;
- b. Trellis vine panels;
- c. Architectural detailing such as reveals, contrasting materials, or other special detailing which meet the intent of this standard.

Due to the many potential site-specific conditions which could occur, blank/side wall treatment shall be subject to the **director/city manager**'s discretion and approval.

C. Not Allowed.

1. Murals. Murals shall not be permitted pending the completion of *city* standards addressing appropriate allowances, criteria, and locations. [Ord. 03-0176 § 1.]

18.52.250

Pedestrian bridges.

A. Intent.

1. Active and Accessible. Locate pedestrian bridge(s) in active places which are accessible at all hours and promote safe passage over major roadways.

2. Unique Architectural Qualities. To develop unique and inviting pedestrian bridges as key gateway features which are integrated with *buildings* at bridge ends.

B. Standards – Required.

1. Locate Bridge Ends in Active *Buildings* and Places. Locate bridge ends in active, publicly accessible *buildings* or places which are accessible and secure at all hours.

2. *Building* and Landscape Treatments. Pedestrian bridges shall be designed as unique *structures* which serve as a key gateway feature to the downtown.

3. Integration with End *Structures*. The appearance, materials, and style of pedestrian bridges shall be architecturally integrated with the end *structures* or places.

4. *Weather Protection*. *Weather protection*, in the form of a roof or canopy structure, shall be provided over the entire length of pedestrian bridges. [Ord. 03-0176 § 1.]

Article IV. Building Design – Standards for Commercial/Mixed Use Buildings

18.52.260

Visible building entrances.

A. Intent.

1. Visible and Welcoming Entrances. To make major building entrances obvious and welcoming.

B. Standards – Required.

1. Visual Prominence. The primary building entrance shall be made visibly prominent utilizing a minimum of five of the architectural treatments listed below. At least one element shall be selected from each of the categories listed below (i.e., at least one element from subsections (B)(1)(a), (b) and (c) of this section).

a. Facade Features.

- i. Recess;
- ii. Canopies;
- iii. Trellis;
- iv. Porticos;
- v. Porches.

b. Doorway Features.

- i. Clerestory;
- ii. Transom windows;
- iii. Glass windows flanking door;
- iv. Large entry doors;
- v. Ornamental lighting;
- vi. Lit displays.

c. Detail Features.

- i. Special entry paving;
- ii. Ornamental building name or address;
- iii. Planters or pots of flowers;
- iv. Seating.

2. *Weather Protection*. Provide some form of *weather protection* at building entrances such as a canopy, marquee, or awning. This feature may be combined with the methods used above to achieve visual building entry prominence. [Ord. 03-0176 § 1.]

18.52.270**Ground floor facades.****A. Intent.**

1. Visual Interest in Ground Level Activities. To visually and architecturally express ground level activities which promote the pedestrian environment.

B. Standards – Required.

1. Architectural Treatments and Details. Commercial *building facades* facing *streets* shall incorporate at least two elements from each of the following categories, with a minimum of five total treatments required:

a. Palette of Window Treatments.

- i. Large storefront windows above kickplates;
- ii. Clerestory windows;
- iii. Recessed windows;
- iv. Mullions.

b. Palette of Facade Treatments.

- i. Lighting or baskets supported by ornamental brackets;
- ii. Medallions;
- iii. Belt courses;
- iv. Plinths for columns;
- v. Piers or pilasters;
- vi. Projecting sills;
- vii. Tilework;
- viii. Stone or concrete masonry;
- ix. Pedestrian-scaled *signs*;
- x. Planter boxes; or
- xi. Other architectural treatments which meet the intent of this standard. [Ord. 03-0176 § 1.]

18.52.280**Ground floor transparency and visibility.****A. Intent.**

1. Visual Interest in Ground Level Activities. To visually and architecturally express ground level activities which contribute to the pedestrian environment.

2. Visibility into *Buildings*. To provide visibility into *buildings* and from *buildings* out to the sidewalks.

B. Standards – Required.

1. Clear Glass Windows. A minimum of 50 percent of the *ground floor* facade of commercial *buildings* fronting public *streets* shall be comprised of windows. **The facade shall be measured from the ground to the projected interior ceiling height.**

2. Film. Film may be applied to windows to provide shade and for energy efficiency provided full transparency and visibility is maintained into the *building* from the sidewalk.

3. Visible Light Transmittance. Windows shall have a minimum 50 percent visible light transmittance.

C. Not Allowed.

1. Reflective Glass or Film. Reflective glass and/or reflective film which diminishes transparency are not allowed. [Ord. 03-0176 § 1.]

18.52.290**Weather protection.****A. Intent.**

1. *Weather Protection*. To provide *weather protection* for pedestrians throughout downtown.

B. Standards – Required.

1. Canopies, *Arcades*, or Awnings. Canopies, *arcades*, or awnings shall be provided on commercial *building facades* facing *streets*. Dimensions shall provide a:

- a. Minimum canopy depth of five feet;
- b. Vertical height above the sidewalk and underside of canopy between eight and 10 feet;
- c. Minimum protection along 80 percent of the *building facade* facing a public right-of-way;
- d. If an *arcade* is proposed, the specific dimensions and length of the *arcade* will be negotiated on a case-by-case basis to ensure adequate light, air, and visibility through to *ground floor* windows and *building* entries from the *street*.

C. Not Allowed.

1. Internal or Backlit Canopies. Internal, backlit, or uplit canopies are prohibited. Downlighting is allowed to light sidewalk for pedestrians.

2. Awnings as Signage. Awnings shall not be used as primary signage, including use of print and backlighting. If awnings are used for signage, the drop edge of the awning/canopy shall not exceed 12 inches in height. In addition, the city's sign code requirements shall apply. [Ord. 03-0176 § 1.]

18.52.300

Building materials.

A. Intent.

1. To develop a visual downtown identity and to ensure that downtown *development* forms a cohesive visual whole over time. This shall be accomplished through the use of a primarily masonry materials palette.

2. To provide a materials palette which allows for individual and creative architectural expression in individual *development*.

B. Standards – Required.

1. Primary Materials Palette. Commercial and mixed use *buildings* shall be built with materials which will form a visually cohesive identity over time. Facades of commercial and commercial levels of mixed use *buildings* shall be primarily of the following masonry materials:

- a. Brick;
- b. Stone;
- c. Ceramic Tile. Alternate coursing with changes in color and/or texture is required with use of tile. Alternate coursing can be vertical, horizontal, or both;
- d. Split Face Alternate Course Concrete Masonry Units. Alternate coursing with changes in color and or texture is required with use of split face masonry units. Alternate coursing can be vertical, horizontal, or both;
- e. Stucco, if limited to a maximum 50 percent of total building surface area.

2. **On any facade adjoining a public sidewalk, At the first two stories above the public sidewalk level, and at exposed stories below the public sidewalk level, primary materials must cover 85 percent of the opaque surfaces on any elevation. On other facades in the public view (from adjacent public streets, pedestrian walkways, or public spaces), primary materials must cover more than 50 percent of the opaque surfaces.**

Exceptions:

a. Transparent glass may cover 75 percent of the first story of any one facade. Transparent glass may cover 40 percent of the second story of any one facade.

b. Where there are two front property lines, transparent glass may cover 75 percent of a second facade if the facade is within 15 feet of the property line.

3. Residential Floors, Mixed Use *Buildings*. Nonmasonry materials may be used as a primary material in the residential portions of mixed use *buildings* subject to any applicable restrictions in this section.

4. Vinyl Siding. Vinyl siding is only permitted on floors three and above, and shall not exceed 15 percent of the total building surface area of those floors.

C. Not Allowed.

1. Plain Faced and/or Uncolored Concrete Masonry Units. Plain faced and/or uncolored concrete masonry units shall not cover an area greater than five percent of any facade.

2. Siding Materials Not Allowed. The following siding materials are not allowed on any *building facade*:

- a. Asphalt siding;
- b. Aluminum lap siding;

- c. Siding grade plywood. [Ord. 03-0176 § 1.]

18.52.310

Upper level setbacks, mass, and bulk.

A. Intent.

1. Develop Pedestrian Scale. To ensure that multiple-storied *building facades* do not overwhelm the pedestrian orientation and scale of downtown.

B. Standards – Required. A minimum of two of the following techniques shall be applied to facades visible from public rights-of-way and *public spaces* to minimize the apparent bulk and mass of a *building*:

1. Step Back *Buildings* Over Two Stories. *Buildings* above two stories in height shall step back the upper stories as follows:

- a. Stepbacks above two stories shall be a minimum of six feet from the first two floors;
- b. A second, minimum six-foot stepback shall be made above four stories;
- c. Evident Decrease in Bulk. Stepbacks need not be continuous and uniform across the entire facade as long as bulk is visually decreased.

2. Horizontal *Building Modulation*. Use bays, recesses, and building projections to provide variations in large facades.

- a. The maximum horizontal length without *building modulation* shall be 100 feet.

- b. *Modulation* Depth. The minimum *modulation* depth shall be six feet.

3. Modulated Roof Line. Provide breaks in the roofline by alternating stepped roofs, gables, dormers, etc. (see roof form standards, KMC 18.52.220).

4. *Articulation*. *Building articulation* with at least one of the following *architectural elements*:

- a. Change in materials or color with a change in *building* plane;
- b. Decks and Balconies. Decks, terraces, and balconies are encouraged but not required, and may be roofed

or open;

- c. Bay windows;

- d. Repeat distinctive window patterns at horizontal *modulation* intervals.

5. Other Treatments. Other architectural treatments which meet the intent of this standard.

C. Exceptions.

1. Stairs, Corner Features, and Other Architectural Features. Stairs, corners, and other vertical architectural features are not required to step back. [Ord. 03-0176 § 1.]

Article VI. Building Design – Standards for Residential/Primary Residential Uses

18.52.320

Primary residential entrances.

(Applies to all multifamily residential *development* except *townhouses*).

A. Intent.

1. Active and Lively *Street*. To face residential entrances onto *streets* to create and maintain a lively and active downtown.

2. Safe and Welcoming Entry. To provide safe and welcoming *building* entries.

B. Standards – Required.

1. Visible Entrance. The primary building entrance shall be visible from the adjacent *street*.

2. Weatherproof Covering. All building entries shall have a weatherproof covering.

3. Secure and Direct Access. Primary building entries shall provide secure and direct access to lobbies, stairs, and elevators. Gated entries are not allowed.

4. Entrance Dimensions. The primary residential entrance shall be a minimum four feet deep and a width at least 50 percent wider than the entry doors.

5. Visual Prominence. The primary building entrance shall be made visibly prominent utilizing a minimum of five of the architectural treatments listed below. At least one element shall be selected from each of the categories listed below (i.e., at least one element from subsections (B)(5)(a), (b) and (c) of this section).

- a. Facade Features.

- i. Recess;
- ii. Overhangs;
- iii. Canopies;
- iv. Trellis;
- v. Porticos;
- vi. Porches.
- b. Doorway Features.
 - i. Clerestory;
 - ii. Transom windows;
 - iii. Glass windows flanking door;
 - iv. Large entry doors;
 - v. Ornamental lighting;
- c. Detail Features.
 - i. Special entry paving;
 - ii. Ornamental building name or address;
 - iii. Planters or pots of flowers;
 - iv. Seating. [Ord. 03-0176 § 1.]

18.52.330**Building mass and bulk.**

- A. Intent.
 - 1. Reduce Building Bulk with Smaller Architectural Components. To reduce the apparent bulk of *buildings* by breaking them down into smaller components which are consistent with the pedestrian scale of downtown.
 - 2. Visual Variety. To provide visual variety along *streets*.
- B. Standards – Required.
 - 1. Variations in Large Facades. Horizontal appearance facades longer than 25 feet in length shall be treated to reduce visual scale and bulk using two of the following:
 - a. Bays and recesses (bays and recesses shall be a minimum of three feet in depth and eight feet long. Wall variations shall extend from first floor to roof, excluding balconies, decks, and terraces);
 - b. Balconies, decks, and terraces;
 - c. Distinctive roof forms;
 - d. Window patterns;
 - e. Changes in materials;
 - f. Color differentiation;
 - g. Projections or overhangs;
 - h. Upper story stepbacks.
- C. Not Allowed.
 - 1. Flat *Blank Walls* Not Allowed. Flat *blank walls* are not allowed. See *blank wall* standards, KMC 18.52.240. [Ord. 03-0176 § 1.]

18.52.340**Materials.**

- A. Intent.
 - 1. Ensure Quality and Maintenance Over Time. To ensure a standard of quality and maintenance over time.
 - 2. Materials and Details that Reduce Bulk. To encourage the use of materials appropriate to residential *development* and details that reduce the visual bulk of larger *buildings*.
- B. Standards – Required.
 - 1. *Durable Materials* with Texture and Pattern. Exterior materials shall be durable and maintainable over time, including:
 - a. Materials with textures or patterns;
 - b. Materials which lend themselves to quality detailing and can be well maintained over time.
 - 2. Allowed Primary Materials.

a. Allowed primary materials include wood or masonry units (brick, stone, tile, or split face alternate course concrete);

b. Enamel panels, and precast concrete panels. If panel materials are used, each panel shall not exceed a maximum of nine square feet.

3. Vinyl Siding. Vinyl siding is only permitted on floors three and above, and shall not exceed 15 percent of the total building surface area of those floors.

C. Not Allowed.

1. Reflective Glass. Reflective glass is not allowed.

2. Siding Materials Not Allowed. The following siding materials are not allowed on any *building facade*:

a. Asphalt siding;

b. Aluminum lap siding;

c. Siding grade plywood. [Ord. 03-0176 § 1.]

18.52.350

Windows.

A. Intent.

1. Active and Lively *Street*. To face windows onto *streets* to create and maintain a lively and active downtown.

B. Standards – Required.

1. Transparent Windows. Transparent windows are required where *buildings* face *streets*.

2. Varied Window Sizes. Residential *buildings* shall be designed with varied window sizes and shape, including:

a. Varied shape, and number of panes;

b. Divided or mullioned windows if appropriate to style;

c. Cantilevered bay windows if appropriate to style and may project 18 inches into required setback areas;

d. Recessed windows;

e. Visible and substantial trim;

f. Butt glazing is allowed.

3. Visible and Substantial Trim. Windows shall be surrounded with visible and substantial trim.

C. Not Allowed.

1. Two-Light Horizontal Sliding Windows. Horizontal sliding windows with two lights are not allowed. [Ord. 03-0176 § 1.]

Chapter 18.55

CRITICAL AREAS

Sections:

Article I. Purpose and General Provisions

- 18.55.010 Purpose and goals.
- 18.55.020 Authority.
- 18.55.030 Relationship to other regulations.
- 18.55.040 Administrative procedures.
- 18.55.050 Fees.
- 18.55.060 Severability.
- 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.
- 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

- 18.55.320 Performance standards – General requirements.
- 18.55.330 Performance standards – Mitigation requirements.

Article X. Streams – Designation and Rating

- 18.55.400 Designation and rating of streams.

Article XI. Streams – Additional Report Requirements

18.55.410 Critical areas report.

Article XII. Streams – Performance Standards

18.55.420 Performance standards – General.

18.55.430 Performance standards – Mitigation requirements.

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

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

18.55.510 Critical areas report.

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

18.55.520 Performance standards – General requirements.

18.55.530 Performance standards – Specific habitats.

Article XVI. Geologically Hazardous Areas – Designation

18.55.600 Purpose.

18.55.610 Designation of geologically hazardous areas.

18.55.620 Designation of specific hazard areas.

Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630 Critical areas report.

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640 Performance standards – General requirements.

18.55.650 Performance standards – Specific hazards.

Article XIX. Flood Hazard Areas

18.55.700 Flood hazard areas.

18.55.710 Flood fringe – Development standards and permitted alterations.

18.55.720 Zero-rise floodway – Development standards and permitted alterations.

18.55.730 FEMA floodway – Development standards and permitted alterations.

18.55.740 Flood hazard areas – Certification by engineer or surveyor.

18.55.750 Channel relocation and stream meander areas.

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 *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. This chapter is to implement the goals, policies, guidelines, and requirements of the city of Kenmore (city) comprehensive plan and the Growth Management Act (GMA).~~

~~CE.~~ 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.

~~DC.~~ By ~~strategically developing according to the city's integrated comprehensive plan and final environmental impact statement (2001) and~~ 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.

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

~~FE.~~ 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.

~~GF.~~ 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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.020

Authority.

A. As provided herein, the ~~director~~*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 ~~director~~*city manager* to balance the protection of the multiple *critical areas* and provide appropriate *mitigation*. [Ord. 06-0244 § 59 (Exh. 1).]

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

C. 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.

D. 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 Elimination System (NPDES) permits). The *applicant* is responsible for complying with these requirements, apart from the process established in this chapter. [Ord. 06-0244 § 59 (Exh. 1).]

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 KMC 16.75. This shall include, but not be limited to, timing, permits, variances, exemptions, exceptions, appeals, and fees associated with applications covered by this chapter. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.060**Severability.**

If any permission of this chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, the remainder of this chapter and its application to other persons or circumstances is not affected. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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* as designated in KMC 18.55.400, Designation and rating of *streams*;
 3. Fish and wildlife habitats of importance designated in KMC 18.55.500, 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 18.55.700, *Flood hazard areas*.

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

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

1. On a *site* immediately adjoining a *critical area*;

2. A distance equal to or less than the required *critical area buffer* width and building *setback*;
3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;
4. A distance equal to or less than 900 feet from the closest nest of a heron rookery; or
5. Within the floodway, *floodplain* or channel migration zone. [Ord. 06-0244 § 59 (Exh. 1).]

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* *brand* *values* of *critical areas*. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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 *critical areas* located in the *city*:

1. *Wetlands* and *Streams*.

- a. *City* stream and wetland inventory;
- b. King County critical areas map folio.
- 2. Fish and Wildlife Habitats of Importance.
 - a. Washington State Department of Fish and Wildlife *priority habitat* and species maps;
 - b. Washington State Department of Natural Resources official water type reference maps, as amended;
 - c. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington State Conservation Commission; and
 - d. Washington State Department of Natural Resources state natural area preserves and natural resource conservation area maps.
- 3. *Geologically Hazardous Areas*.
 - a. King County critical areas map folio, as modified by the *city*;
 - b. U.S. Geological Survey landslide hazard and seismic hazard maps;
 - c. Washington State Department of Natural Resources seismic hazard maps for Western Washington; and
 - d. Washington State Department of Natural Resources slope stability maps.
- 4. *Flood Hazard Areas*.
 - a. Federal Emergency Management Administration *flood insurance rate maps* and studies. [Ord. 06-0244 § 59 (Exh. 1).]

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 **director/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 **director/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 **director/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 **director/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*, when fencing will prevent future impacts to the habitat conservation area.

2. The *applicant* shall be required to install a permanent natural wood, split-rail *fence* around the *critical area* and *buffer*.

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. [Ord. 06-0244 § 59 (Exh. 1).]

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 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, 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 ~~director~~city manager to have minimal impacts to a *critical area*;

8. Installation, construction, replacement, repair or *alteration* of utilities and their associated facilities, lines, pipes, mains, equipment or appurtenances in improved city ~~roadstreet~~ 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. 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.

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 **director/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 **director/city manager** determines that the disturbance to the *critical area* is minimal.
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. [Ord. 06-0244 § 59 (Exh. 1).]

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. **Director/City Manager** Review. The **director/city manager** shall review the application. The **director/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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.170

Variances.

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 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 *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 *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* **integrated comprehensive plan and environmental impact statement (2001)** 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. ~~Director~~*City Manager* Review. The ~~director~~*city manager* shall review the application. The ~~director~~*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 subsection (B) of this section.

F. Time Limit. ~~The city shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance. The development proposal or building permit must be applied for within two years from the approval date of the variance. The completion of the action will be consistent with the associated development approvals.~~

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. [Ord. 06-0244 § 59 (Exh. 1).]

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 ~~director~~*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 ~~director~~*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. **Director/City Manager** Review. The **director/city manager** shall review the application. The **director/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. [Ord. 06-0244 § 59 (Exh. 1).]

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 **director/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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.200

Mitigation requirements.

A. The *applicant* shall avoid all impacts that degrade the *functions and values* of *critical areas*. 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*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.210

Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to *critical areas*. 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;
- 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; and/or

E. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation for individual actions may include a combination of the above measures. [Ord. 06-0244 § 59 (Exh. 1).]

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 *director/city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

Within 30 days of installation of the approved *mitigation*, the *applicant* shall submit an affidavit 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*. (SIGNIFICANT CHANGE)

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 *director/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*.

1. For *alterations* to *wetlands*, *streams*, and fish and wildlife habitat areas of importance 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:

- a. The historic structural and functional values shall be restored, including water quality and habitat functions;
- b. The historic soil types and configuration shall be replicated;
- c. 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
- d. The historic *functions and values* should be replicated at the location of the *alteration*.

D. *Site Investigations*. The *director/city manager*, or his or her designee, 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 *director/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 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. [Ord. 06-0244 § 59 (Exh. 1).]

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, *planned unit developments*, and binding site plans, at or before recording. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.260

Critical area tracts.

A. *Critical area tracts* shall be used in *development proposals* for subdivisions, short subdivisions, *planned unit developments*, *commercial site development permits*, *site plan reviews*, and *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 *buffers*;
2. All *streams* and *buffers*;
3. All fish and wildlife habitat areas of importance;
4. *Geologically hazardous areas* and *buffers*, if applicable; and
5. All other lands to be protected from *alterations* as conditioned by project approval.

B. *Critical area tracts* shall be recorded on all documents of title of record for all affected *lots*.

C. *Critical area tracts* shall be designated on the face of the plat, *short plat* or recorded drawing in a format approved by the *city*. The designation shall include the following restriction:

1. An assurance that *native vegetation* will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and *erosion*, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
2. The right of the *city* to enforce the terms of the restriction.

D. The *city* shall determine at the *city's* discretion that any required *critical area tract* be dedicated to the *city*, held in an undivided interest by each owner of a building *lot* within the *development* with the ownership interest passing with the ownership of the *lot*, or held by an incorporated homeowner's association or other legal entity (such as a land trust, which assures the ownership, maintenance, and protection of the tract). [Ord. 06-0244 § 59 (Exh. 1).]

18.55.270

Building setbacks.

Unless otherwise provided, *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 18.30.170230. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

Article VII. Wetlands – Designation and Rating

18.55.300

Designation and rating of wetlands.

A. Designating *Wetlands*. *Wetlands* are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual (1997), that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the *city* meeting the *wetland* designation criteria in the Washington State Wetland Identification and Delineation Manual (1997), regardless of any formal identification, are hereby designated *critical areas* and are subject to the provisions of this chapter.

B. *Wetland* Ratings. *Wetlands* shall be rated using criteria outlined below:

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 are greater than 1,000 square feet in size.

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*.

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*. [Ord. 06-0244 § 59 (Exh. 1).]

Article VIII. Wetlands – Additional Report Requirements

18.55.310

Critical areas report.

Requirements for *critical areas* reports for *wetlands* are available from the **director/city manager**. [Ord. 06-0244 § 59 (Exh. 1).]

Article IX. Wetlands – Performance Standards

18.55.320

Performance standards – General requirements.

A. Activities may only be permitted in a *wetland* or *wetland buffer* 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*.

B. Activities and *uses* shall be prohibited from *wetlands* and *wetland buffers*, except as provided for in this chapter.

C. Class 1 *Wetlands*. Activities and *uses* shall be prohibited from Class 1 *wetlands*, except as provided for in the public agency and utility exception, **or reasonable use exception**, and **variance** sections of this chapter.

D. Class 2 and 3 *Wetlands*. Activities may be permitted, if the **director/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*.

E. 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 of Kenmore* determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved *mitigation* plan.

F. Wetland Buffers.

1. *Wetland buffers* shall be established as follows:

Wetland Type	Buffer Width (Feet)
Class 1	150
Class 2	100
Class 3	60

2. Measurement of *Wetland Buffers*. *Wetland buffers* shall be measured from the *wetland edge* as delineated and marked in the field using the 1997 Washington State Wetland Identification and Delineation Manual (Ecology).

3. Increased Wetland Buffer Widths. The **director/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*;

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.

4. Averaged or Reduced Buffer Widths. *Buffer* widths may be averaged or reduced if an *applicant* receives approval as provided in this section. An *applicant* may request either (1) *buffer* averaging, or (2) *buffer* reduction with *enhancement*. A combination of these two *buffer* modification approaches shall not be used.

a. Wetland Buffer Width Averaging. The **director/city manager** may allow averaging of the *wetland buffer* width in accordance with an approved *critical areas* report and the *best available science* on a case-by-case basis. Averaging of *buffer* widths may only be allowed where a *qualified professional biologist* demonstrates that:

(1) Additional protection to the *wetland* will be provided through implementation of a *buffer enhancement* plan;

(2) It will not reduce *wetland functions* or values;

(3) The *wetland* contains variations in sensitivity due to existing physical characteristics or the character of the *buffer* varies in slope, soils, or *vegetation*, and the *wetland* would benefit from a wider *buffer* in places and would not be adversely impacted by a narrower *buffer* in other places;

(4) The total area contained in the *buffer* after averaging is no less than that which would be contained within the standard *buffer*; and

(5) For Class 1 and 2 *wetlands*, the *buffer* width shall not be reduced by more than 20 percent in any one place. For Class 3 *wetlands*, the *buffer* width shall not be reduced to less than 50 feet in any one place.

b. Buffer Reduction with Enhancement. Standard *buffer* widths for degraded **wetland** *buffers* may be reduced through a combination of *buffer enhancement* and *low impact development* strategies. The *applicant* shall demonstrate that through enhancing the *buffer* and use of *low impact development* strategies the reduced *buffer* will function at a higher level than the standard *buffer*. *Buffers* may be reduced in the following manner according to *wetland* type:

Wetland Category	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
1	25 percent	112.5 feet
2	25 percent	75 feet
3	25 percent	45 feet

c. Decisional Criteria. Prior to approval of a reduced *buffer*, a *critical areas* application shall meet all of the decisional criteria listed below. A reduced *buffer* will be approved in a *degraded wetland buffer* only if:

(1) It will provide an overall improvement in water quality;

(2) It will provide an overall *enhancement* to fish, wildlife, or their habitat;

(3) It will provide a net improvement in drainage and/or stormwater detention capabilities;

(4) It will not lead to unstable earth conditions or create an *erosion* hazard;

(5) It will not be materially detrimental to any other property or the *city* as a whole; and

(6) All exposed areas are stabilized with *native vegetation*, as appropriate.

d. Buffer Enhancement Plan. As part of the *buffer* reduction request, the *applicant* shall submit a *buffer enhancement* plan prepared by a *qualified professional* and fund a review of the plan by the *city's* wetland consultant. The plan shall assess the habitat, water quality, stormwater detention, ground water recharge, shoreline protection, and *erosion* protection functions of the *buffer*; assess the effects of the proposed modification on those functions; and address the six criteria listed in subsection (F)(4)(c) of this section.

5. *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.

6. *Buffer Uses.* The following *uses* may be permitted within a *wetland buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *wetland*:

a. Conservation and *Restoration Activities.* Conservation or *restoration* activities aimed at protecting the soil, water, *vegetation*, or wildlife;

b. Passive Recreation. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1) Walkways and *trails*; provided, that those pathways that are generally parallel to the perimeter of the *wetland* shall be located in the outer 25 percent of the *buffer* area;

(2) Walkway and *trail* surfaces shall be made of pervious materials except that public multipurpose *trails* may be of impervious materials if they meet all other requirements, including water quality;

(3) Wildlife viewing *structures*; and

(4) Fishing access areas;

c. Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area of Class 2 and 3 *wetlands* only. All other surface water management facilities are not allowed within the *buffer* area.

7. Building *Setback.* A building *setback* from the *buffer* edge is required per KMC 18.55.270. [Ord. 06-0244 § 59 (Exh. 1).]

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 for Developing Freshwater Wetlands Mitigation Plans and Proposals, 1994, as revised.

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 *buffers* consistent with the *buffer* requirements of this chapter, unless determined by the **director/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, adjacent land *uses*, or on-site *buffers* or connectivity are inadequate;

2. Off-site *mitigation* has a greater likelihood of providing equal or improved *wetland functions* than the impacted *wetland*; and

3. Off-site locations shall be in the same *subdrainage basin* unless established regional or watershed goals for water quality, flood or conveyance, habitat or other *wetland functions* have been established and strongly justify location of *mitigation* at another *site*.

F. *Mitigation Timing*. Where feasible, *mitigation* or *restoration* projects shall be completed prior to activities that will disturb *wetlands*. In all other cases, *mitigation* shall be completed immediately following disturbance and prior to use or occupancy of the activity or *development*. Construction of *mitigation* projects shall be timed to reduce impacts to existing wildlife and flora.

G. *Mitigation Ratios*.

1. Acreage Replacement Ratios. The following ratios shall apply to creation or *restoration* that is *in-kind*, on-site, the same class, 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

2. Increased Replacement Ratio. The *director/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 *director/city manager* may decrease the replacement ratios required for Class 1 and 2 *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.

H. *Wetlands Enhancement as Mitigation*.

1. Impacts to *wetlands* may be mitigated by *enhancement* of existing significantly degraded *wetlands*. *Applicants* proposing to enhance *wetlands* must produce a *critical areas* report that identifies how *enhancement* will increase the functions of the degraded *wetland* and how this increase will adequately mitigate for the loss of *wetland* area and function at the impact *site*. An *enhancement* proposal must also show whether existing *wetland functions* will be reduced by the *enhancement* actions.

2. At a minimum, *enhancement* acreage shall be double the acreage required for creation or *restoration*.

I. *Mitigation Banking*. The *city* may consider and approve *mitigation banking* as a form of compensatory *mitigation* for *wetland* impacts when the provisions of this chapter require *mitigation* and when it is clearly demonstrated that the use of a bank will provide equivalent or greater replacement of *critical area 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 Mitigation Banking Rule (Chapter 173-700 WAC) or as revised, and Chapter 90.84 RCW and the federal *mitigation banking* guidelines as outlined in the Federal Register Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain state and federal certification.

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. [Ord. 06-0244 § 59 (Exh. 1).]

Article X. Streams – Designation and Rating

18.55.400

Designation and rating of streams.

A. *Stream Classification*. ~~Streams are waterbodies with a defined bed and banks and demonstrable flow of water.~~ Streams shall be designated Type 1, Type 2, Type 3, and Type 4 according to the criteria in this section.

1. Type 1 *streams* are those *streams* identified as “shorelines of the state” under Chapter 90.58 RCW, including the Sammamish River and the main stem of Swamp Creek.

2. Type 2 *streams* are those *streams* that are:

- a. Natural *streams* that have perennial (year-round) flow and are used by *salmonid* fish; or
- b. Natural *streams* that have intermittent flow and are used by *salmonid* fish.

3. Type 3 *streams* are those *streams* that are:

- a. Natural *streams* that have perennial flow and are used by fish other than *salmonids*; or
- b. Natural *streams* that have intermittent flow and are used by fish other than *salmonids*.

4. Type 4 *streams* are those natural *streams* with perennial or intermittent flow that are not used by fish.

B. *Ditches*. Ditches are artificial drainage features created in uplands through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. Purposeful creation must be demonstrated through documentation, photographs, statements and/or other evidence. Ditches are excluded from regulation as *streams*, ~~unless they are used by fish under this section.~~ Artificial drainage features with documented fish usage are regulated as *streams*. Drainage setbacks are required as per the *city's* surface water runoff policy (Chapter 13.35 KMC). [Ord. 06-0244 § 59 (Exh. 1).]

Article XI. Streams – Additional Report Requirements

18.55.410

Critical areas report.

Requirements for *critical areas* reports for *streams* are available from the ~~director~~ *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XII. Streams – Performance Standards

18.55.420

Performance standards – General.

A. *Establishment of Stream Buffers*. The establishment of *buffer* areas shall be required for all *development proposals* and activities in or adjacent to *streams*. The purpose of the *buffer* shall be to protect the integrity, function, and value of the *stream* and provide habitat for heron and other wildlife. *Buffers* shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the *stream*, and

implementation of appropriate *erosion* and sedimentation controls. *Native vegetation* removal or disturbance is not allowed in established *buffers*.

Required *buffer* widths shall reflect the sensitivity of the *stream* or the risks associated with *development* and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the *critical area*.

B. Stream Buffers.

1. The following *buffers* are established for *streams* to protect *functions and values*, including heron habitat:

Stream Type	Buffer Width (Feet)
Type 1 and Little Swamp Creek	150
Type 2	100
Type 3	50
Type 4	25

2. Measurement of *Stream Buffers*. *Stream buffers* shall be measured perpendicularly from the *ordinary high water mark*.

3. Increased *Stream Buffer* Widths. The **director/city manager** shall require increased *buffer* widths in accordance with the recommendations of a *qualified professional* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *stream functions and values* based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

- a. A larger *buffer* is needed to protect other *critical areas*;
- b. The *buffer* has a slope greater than 30 percent or is susceptible to *erosion* and standard *erosion-control* measures will not prevent adverse impacts to the *stream*. The *buffer* should be measured from the toe of the slope. In such cases, the *buffer* shall be increased to include the slope or the standard *buffer* shall be drawn from the top of the slope, whichever provides greater protection.

4. *Buffer Reduction with Enhancement*. Standard *buffer* widths for degraded *buffers* may be reduced through a combination of *buffer enhancement* and *low impact development* strategies. The *applicant* shall demonstrate that through enhancing the *buffer* and use of *low impact development* strategies the reduced *buffer* will function at a higher level than the standard *buffer*. *Buffers* may be reduced in the following manner according to *stream* type:

Stream Type	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
Type 1 and Little Swamp Creek	25 percent	112.5 feet
Type 2	25 percent	75 feet
Type 3	25 percent	37.5 feet
Type 4	25 percent	18.75 feet

- a. Prior to approval of a reduced *buffer*, a *critical areas* application shall meet all of the decisional criteria listed below. A reduced *buffer* will be approved in a degraded *stream 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.

b. 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 (B)(4)(a) of this section.

5. *Buffer* Conditions Shall Be Maintained. Except as otherwise specified or allowed in accordance with this chapter, *stream buffers* shall be retained in an undisturbed condition.

6. *Buffer Uses*. The following *uses* may be permitted within a *stream buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *stream*:

a. Conservation and Restoration Activities. Conservation or *restoration* activities aimed at protecting the soil, water, *vegetation*, or wildlife;

b. Passive Recreation. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1) Walkways and *trails*; provided, that those pathways that are generally parallel to the perimeter of the *stream* shall be located in the outer 25 percent of the *buffer* area;

(2) Walkway and *trail* surfaces shall be made of pervious materials except that public multipurpose *trails* may be of impervious materials if they meet all other requirements, including water quality;

(3) Wildlife viewing *structures*; and

(4) Fishing access areas.

c. Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area. All other surface water management facilities are not allowed within the *buffer* area.

7. Building *Setback*. A building *setback* is required from the edge of the *buffer* per KMC 18.55.270.

C. *Stream Crossings*. *Stream* crossings may be allowed and may encroach on the otherwise required *stream buffer* if:

1. All crossings use bridges or other construction techniques which do not disturb the *stream* bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type 2 or 3 *streams* if the *applicant* demonstrates that such methods and their implementation will pose no harm to the *stream* or inhibit migration of fish;

2. All crossings are constructed during the summer low flow and are timed to avoid *stream* disturbance during periods when use is critical to *salmonids*;

3. Crossings do not occur over *salmonid* spawning areas unless the *city* determines that no other possible crossing site exists;

4. Bridge piers or abutments are not placed within the *Federal Emergency Management Agency (FEMA)* floodway or below the *ordinary high water mark*;

5. Crossings do not diminish the flood-carrying capacity of the *stream*;

6. Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the *base flood* predicted by a civil engineer licensed by the state of Washington. Temporary bore pits to perform such crossings may be permitted within the *stream buffer* established in this chapter; and

7. Crossings are minimized and serve multiple purposes and properties whenever possible.

D. *Stream Relocations*.

1. *Stream* relocations may be allowed only for:

a. All *stream* types as part of a public project for which a public agency and utility exception is granted pursuant to this chapter; or

b. Type 3 or 4 *streams* for the purpose of enhancing resources in the *stream* if:

(1) Appropriate *floodplain* protection measures are used; and

c. The location occurs on-site except that relocation off-site may be allowed if the *applicant* demonstrates that any on-site relocation is impracticable, the *applicant* provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage *sub-basin* as the original *stream*.

2. For any relocation allowed by this section, the *applicant* shall demonstrate, based on information provided by a civil engineer and a qualified *biologist*, that:

- a. The equivalent *base flood* storage volume and function will be maintained;
- b. There will be no adverse impact to local ground water;
- c. There will be no increase in velocity;
- d. There will be no interbasin transfer of water;
- e. There will be no increase in the sediment load;
- f. There is an overall increase in habitat function and value for *salmonids* and other fish;
- g. Requirements set out in the *mitigation* plan are met;
- h. The relocation conforms to other applicable laws; and
- i. All work will be carried out under the direct supervision of a qualified *biologist*.

E. *Stream Enhancement*. *Stream enhancement* not associated with any other *development proposal* may be allowed if accomplished according to a plan for its design, implementation, maintenance and *monitoring* prepared by a civil engineer and a qualified *biologist* and carried out under the direction of a qualified *biologist*.

F. *Minor Stream Restoration*. A minor *stream restoration* project for *fish habitat enhancement* may be allowed if:

1. The project results in an increase in *stream function* and values;
2. The *restoration* is sponsored by a *public agency* with a mandate to do such work;
3. The *restoration* is not associated with *mitigation* of a specific *development proposal*;
4. The *restoration* is limited to removal of nonnative *vegetation* and *enhancement* of *riparian vegetation*, placement of rock weirs, log controls, spawning gravel and other specific *salmonid* habitat improvements;
5. The *restoration* only involves the use of hand labor and *light equipment*; or the use of helicopters, cranes, or aerial equipment which deliver supplies to the project *site*; provided, that they have no contact with *critical areas* or their *buffers*; and
6. The *restoration* is performed under the direction of a qualified *biologist*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.430

Performance standards – Mitigation requirements.

A. *Stream Mitigation*. *Mitigation* of adverse impacts to *riparian* habitat areas shall result in equivalent *functions and values* on a per function basis, be located as near to the *alteration* as feasible, and be located in the same *subdrainage basin* as the impacted habitat.

B. *Alternative Mitigation for Stream Areas*. The performance standards set forth in this section may be modified at the city's discretion if the *applicant* demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected *subdrainage basin* as a result of alternative *mitigation* measures. [Ord. 06-0244 § 59 (Exh. 1).]

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500

Designation of fish and wildlife habitats of importance.

A. Fish and wildlife habitats of importance are those habitat areas that meet any of the following criteria:

1. Documented presence of *species* listed by the federal government or the state of Washington as *endangered* or *threatened*; or
2. Heron rookeries or active nesting trees; or
3. Class 1 *wetlands* as defined in these regulations; or
4. Type 1 *streams* as defined in these regulations.
5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

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

C. The *city* may accept and consider nominations for habitat areas and *species* to be designated as fish and wildlife habitats of importance. Nominations will be accepted on an annual basis. Guidelines for nomination are available from the *director* *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

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

18.55.510

Critical areas report.

Requirements for *critical areas* reports for fish and wildlife habitats of importance are available from the ~~director~~ *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

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

18.55.520

Performance standards – General requirements.

A. Habitat Management Plan. A habitat management plan is required when the *priority habitats* and species maps or natural heritage program maps provided by the *city*, or other information, indicate the presence of areas with which critical *species* listed as *endangered* or *threatened* under federal or state law have a primary association.

1. All habitat management plans shall be prepared in consultation with the state Department of Fish and Wildlife. Habitat management plans for critical *species* listed as *endangered* or *threatened* shall be approved by the Department of Fish and Wildlife.

2. Habitat Management Plan Content Requirements. Based on the characteristics of the *site* and information submitted by the *applicant*, the ~~director~~ *city manager* may require that all or a portion of the following be included in a habitat management plan:

a. A map drawn to scale or survey showing the following information:

(1) All lakes, ponds, *streams*, and *wetlands* on, or adjacent to, the subject property, including the name (if named), *ordinary high water mark* of each, and the *stream* type or *wetland* class consistent with this chapter.

(2) The location and description of the fish and wildlife habitats of importance on the subject property, as well as any potential fish and wildlife habitats of importance within 200 feet of the subject property as shown on maps maintained by the *city*.

(3) The location of any observed evidence of use by a listed *species*.

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

c. Provisions to reduce or eliminate the impact of the proposed *development* activities on any fish and wildlife habitats of importance and listed *species*.

d. The habitat management plan should also address the following issues:

(1) Prohibition or limitation of *development* activities within the fish and wildlife habitats of importance;

(2) Establishment of a *buffer* around the fish and wildlife habitat conservation area;

(3) Retention of certain *vegetation* or areas of *vegetation* critically important to the listed *species*;

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

(5) Seasonal restrictions on construction activities on the subject property;

(6) Clustering of *development* on the subject property; and

(7) The preservation or creation of a habitat area for the listed *species*.

B. *Alterations* shall not degrade the *functions and values* of habitat. Fish and wildlife habitat areas of importance may be altered only if the proposed *alteration* of the habitat or the *mitigation* proposed does not degrade the quantitative and qualitative *functions and values* of the habitat. All new *structures* and land *alterations* shall be prohibited from habitat areas of importance, except in accordance with this chapter.

C. *Nonindigenous* species shall not be introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a fish and wildlife habitat area of importance unless authorized by a state or federal permit or approval.

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

E. *Mitigation* shall achieve equivalent or greater biological functions. *Mitigation* of *alterations* to habitat areas of importance shall achieve equivalent or greater biologic functions and shall include *mitigation* for adverse impacts

upstream or downstream of the *development proposal* site. *Mitigation* shall address each function affected by the *alteration* to achieve functional equivalency or improvement on a per function basis.

F. Approvals shall be supported by the *best available science*. Any approval of *alterations* or impacts to a fish and wildlife habitat of importance shall be supported by the *best available science*.

G. *Buffers*.

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

2. Seasonal Restrictions. When a *species* is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions, as determined by the Washington State Department of Fish and Wildlife, may apply. Larger *buffers* may be required and activities may be further restricted during the specified season. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.530

Performance standards – Specific habitats.

A. *Endangered, Threatened, and Sensitive Species*.

1. No *development* shall be allowed within a fish and wildlife habitat of importance or *buffer* with which state or federally *endangered, threatened*, or sensitive *species* have a primary association **except as otherwise approved through this chapter**, except that, for fish habitat of importance on lands regulated under the Kenmore Shoreline Master Program, development that meets the use and development requirements of the Kenmore Shoreline Master Program may be allowed.

2. Whenever activities are proposed adjacent to a fish and wildlife habitat of importance with which state or federally *endangered, threatened*, or sensitive *species* have a primary association, such area shall be protected through the application of protection measures in accordance with a *critical areas* report prepared by a *qualified professional* and approved by the *city*. Approval for *alteration* of land adjacent to the fish and wildlife habitat of importance or its *buffer* shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.

3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest territory or communal roost, a habitat management plan shall be developed by a *qualified professional*. Activities are adjacent to bald eagle sites when they are within 800 feet of an active nest, or within a quarter mile (2,640 feet) of an active nest and in a shoreline foraging area. The *city* shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the *city* and the Washington State Department of Fish and Wildlife.

B. Great Blue Heron Rookery.

1. A *buffer* equal to the distance of 900 feet radius measured from the outermost nest *tree* in the rookery will be established around an active rookery. This area will be maintained in *native vegetation*. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the *buffer* excludes the area south of the north edge of the State Route 522 right-of-way and west of the east edge of the 73rd Avenue NE right-of-way.

2. Between January 1st and July 31st, no *clearing, grading* or land disturbing activity shall be allowed within 900 feet of the rookery unless approved by the *city* and Washington State Department of Fish and Wildlife. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the area south of the north edge of the State Route 522 right-of-way and west of the east edge of 73rd Avenue NE right-of-way is excluded.

3. Approval of permits for activities within the heron rookery *buffer* shall not occur prior to the approval of a habitat management plan by the *city* and the Washington State Department of Fish and Wildlife.

C. *Anadromous Fish*.

1. All activities, *uses*, and *alterations* proposed to be located in water bodies used by *anadromous fish* or in areas that affect such water bodies shall give special consideration to the preservation and *enhancement* of *anadromous fish habitat*, including, but not limited to, adhering to the following standards:

- a. Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable *species*;
- b. An alternative alignment or location for the activity is not feasible;
- c. The activity is designed so that it will provide an overall improvement in the functions or values of the *fish habitat* or other *critical areas*; and
- d. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved *critical areas* report.

2. *Structures* that prevent the migration of *salmonids* shall not be allowed in the portion of water bodies currently or historically used by *anadromous fish*. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized by the city's shoreline management master program, shall not adversely impact *anadromous fish* or their habitat or shall mitigate any *unavoidable impacts*, and shall only be allowed for a *water-dependent use*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVI. Geologically Hazardous Areas – Designation

18.55.600

Purpose.

The primary purpose of *geologically hazardous area* regulations is to avoid and minimize potential impacts to life and property from geologic hazards. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.610

Designation of geologically hazardous areas.

Geologically hazardous areas include areas susceptible to *erosion*, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible *development* is sited in areas of significant hazard. Such incompatible *development* may not only place itself at risk, but also may increase the hazard to surrounding *development* and *use*. Areas susceptible to one or more of the following types of hazards shall be designated as a *geologically hazardous area*:

- A. *Erosion hazard*;
- B. *Landslide hazard*;
- C. *Seismic hazard*; and
- D. Other geological events including *mass wasting*, *debris flows*, rock falls, and *differential settlement*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.620

Designation of specific hazard areas.

A. *Erosion Hazard Areas*. *Erosion hazard areas* are those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a special study as having a "moderate to severe," "severe," or "very severe" *erosion* potential.

B. *Landslide Hazard Areas*. *Landslide hazard areas* are areas potentially subject to *landslides* based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

- 1. Areas of historic failures, such as:
 - a. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site *development*; or
 - b. Areas designated as Quaternary slumps, earthflows, mudflows, or *landslides* on maps published by the U.S. Geological Survey or state Department of Natural Resources;
- 2. Areas with all three of the following characteristics:

- a. Slopes steeper than 15 percent; and
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying relatively impermeable sediment; and
 - c. Springs or ground water seepage.
3. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;
4. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
5. Areas potentially unstable because of rapid *stream* incision, stream bank *erosion*, and undercutting by wave action;
6. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by *debris flows* or catastrophic flooding; and
7. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing its toe and measured by averaging the inclination over at least 10 feet of vertical relief.

C. *Seismic Hazard Areas*. *Seismic hazard areas* are locations subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

- 1. The magnitude of an earthquake;
- 2. The distance from the source of an earthquake;
- 3. The type of thickness of geologic materials at the surface; and
- 4. The type of subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

D. Other Hazard Areas. *Geologically hazardous areas* shall also include areas determined by the **director/city manager** to be susceptible to other geological events including *mass wasting*, *debris flows*, and *differential settlement*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630

Critical areas report.

A *critical areas* report shall be required for all proposed *alterations* of properties that are located within 200 feet of any *geologically hazardous area*. Requirements for *critical areas* reports for *geologically hazardous areas* are available from the **director/city manager**. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640

Performance standards – General requirements.

- A. *Alterations of geologically hazardous areas* or associated *buffers* may only occur for activities that:
- 1. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;
 - 2. Will not adversely impact other *critical areas*;
 - 3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
 - 4. Are certified as safe as designed and under anticipated conditions by a qualified engineer or *geologist* licensed in the state of Washington.
- B. *Critical Facilities Prohibited*. *Critical facilities* shall not be sited within *geologically hazardous areas* unless there is no other *practical alternative*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.650**Performance standards – Specific hazards.**

A. *Erosion and Landslide Hazard Areas.* Activities on sites containing *erosion* or *landslide* hazards shall meet the following requirements:

1. *Buffer Required for Erosion Hazard Areas.* No *buffer* is required from an area categorized as only an *erosion hazard area*.

2. *Buffer Required for Landslide Hazard Areas.* A *buffer* shall be established from all edges of *landslide hazard areas*. The size of the *buffer* shall be determined by the *director/city manager* to eliminate or minimize the risk of property damage, death or injury resulting from *landslides* caused in whole or part by the *development*, based upon review of and concurrence with a *critical area* report prepared by a *qualified professional*.

a. *Minimum Buffer.* The minimum *buffer* shall be equal to the height of the slope, as measured from the toe to the top, or 50 feet, whichever is greater.

b. *Buffer Reduction.* The *buffer* may be reduced to a minimum of 10 feet when a *qualified professional* demonstrates to the *director/city manager*'s satisfaction based upon review of a special study that the reduction will adequately protect the proposed *development*, adjacent *developments* and *uses* and the subject *critical area*.

c. *Increased Buffer.* The *buffer* may be increased where the *director/city manager* determines a larger *buffer* is necessary to prevent risk of damage to proposed and existing *development*.

d. *Building Setback.* A building *setback* is required from the edge of the *buffer* per KMC 18.55.270.

3. *Alterations.* *Alterations* of an *erosion hazard area* or a *landslide hazard area* and/or its *buffer* may only occur for activities for which a special study is submitted and certifies that:

a. The *alteration* will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;

b. The *alteration* will not decrease slope stability on adjacent properties; and

c. Such *alterations* will not adversely impact other *critical areas*.

4. *Design Standards.* *Alterations* within an *erosion hazard area*, or *landslide hazard area* and/or *buffer* shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

a. The proposed *development* shall not decrease the factor of safety for *landslide* occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;

b. *Structures* and improvements shall be clustered to avoid *geologically hazardous areas* and other *critical areas*;

c. *Structures* and improvements shall minimize *alterations* to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

d. *Structures* and improvements shall be located to preserve the most critical portion of the *site* and its natural landforms and *vegetation*;

e. The proposed *development* shall not result in greater risk or a need for increased *buffers* on neighboring properties;

f. The use of *retaining walls* that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

g. *Development* shall be designed to minimize impervious *lot* coverage.

5. *Vegetation Shall Be Retained.* Unless otherwise provided or as part of an approved *alteration*, removal of *vegetation* from an *erosion* or *landslide hazard area* or related *buffer* shall be prohibited.

6. *Seasonal Restriction.* *Clearing* shall be allowed only from May 1st to October 1st of each year; provided, that the *city* may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved *forest practice* permit issued by the *city* or the Department of Natural Resources.

7. *Utility Lines and Pipes.* Utility lines and pipes shall be permitted in *erosion* and *landslide hazard areas* only when the *applicant* demonstrates that no other *practical alternative* is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.

Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

8. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an *erosion* or *landslide hazard area* shall be prohibited except as follows:

a. Conveyed via continuous storm pipe downslope to a point where there are no *erosion hazard areas* downstream from the discharge;

b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed *buffer* demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

9. Subdivisions. The division of land in *landslide hazard areas* and associated *buffers* is subject to the following:

a. Land that is located wholly within a *landslide hazard area* or its *buffer* may not be subdivided. Land that is located partially within a *landslide hazard area* or its *buffer* may be divided; provided, that each resulting *lot* has sufficient buildable area outside of, and will not affect, the *landslide hazard* or its *buffer*; and

b. Access roads and utilities may be permitted within a *landslide hazard area* and associated *buffer* if the *city* determines that no other feasible alternative exists.

10. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within *landslide hazard areas* and related *buffers*.

11. ~~Previously Graded~~ Slopes ~~Created by Previous Grading~~. ~~Artificial~~ ~~S~~ slopes meeting the criteria of a *landslide hazard area* based on slope steepness and height that were created through previous ~~legal grading activities~~ ~~permitted grading~~ may be ~~further altered or~~ ~~regraded~~ ~~provided the applicant provides information from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created.~~ ~~Any such slope that meets the criteria of a landslide hazard following site development shall be subject to all requirements for landslide hazard areas.~~

B. Seismic Hazard Areas. Activities proposed to be located in *seismic hazard areas* shall meet the standards of KMC 18.55.640, Performance standards – General requirements.

C. Other Hazard Areas. Activities on *sites* containing or adjacent to other *geologically hazardous areas* shall meet the standards of KMC 18.55.640, Performance standards – General requirements. [Ord. 06-0244 § 59 (Exh. 1).]

Article XIX. Flood Hazard Areas

18.55.700

Flood hazard areas.

A. Flood hazard areas consist of the following components:

1. Floodplain;
2. Flood fringe;
3. Zero-rise floodway; and
4. Federal Emergency Management Agency (FEMA) floodway.

B. The *city of Kenmore* shall determine the *flood hazard area* after obtaining, reviewing and utilizing *base flood elevations* and available floodway data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” The *base flood* is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by the *city of Kenmore*, in which case these future flow projections shall be used. In areas where the flood insurance study for the *city of Kenmore* includes detailed *base flood* calculations, those calculations may be used until projections of future flows are completed and approved by the *city of Kenmore*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.710

Flood fringe – Development standards and permitted alterations.

Development proposals on *sites* within the *flood fringe* area shall meet the following requirements:

A. *Development proposals* shall not reduce the effective *base flood* storage volume of the *floodplain*. *Grading* or other activity which would reduce the effective storage volume shall be mitigated by creating *compensatory storage* on the *site* or off the *site* if legal arrangements can be made to assure that the effective *compensatory storage* volume will be preserved over time. *Grading* for construction of livestock manure storage facilities to control nonpoint source water pollution designed to the standards of and approved by the city of Kenmore is exempt from this *compensatory storage* requirement.

B. All elevated construction shall be designed and certified by a professional structural engineer licensed by the state of Washington and shall be approved by the city of Kenmore prior to construction.

C. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:

1. New building *lots* shall contain 5,000 square feet or more of buildable land outside the *zero-rise floodway*, and building *setback* areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

2. All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subsections (D), (E) and (H) of this section;

3. *Base flood* data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the *base flood elevation*, required *flood protection elevations* and the boundaries of the *floodplain* and the *zero-rise floodway*, if determined; and

4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected lots:

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

D. New residential *structures* and *substantial improvements* of existing residential *structures* shall meet the following requirements:

1. The lowest floor shall be elevated to the *flood protection elevation*;

2. Portions of a *structure* which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:

a. A minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;

3. Materials and methods which are resistant to and minimize flood damage shall be used; and

4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.

E. New nonresidential *structures* and *substantial improvements* of existing nonresidential *structures* shall meet the following requirements:

1. The elevation requirement for residential *structures* contained in subsection (D)(1) of this section shall be met; or

2. The *structure* shall be floodproofed to the *flood protection elevation* and shall meet the following requirements:

a. The *applicant* shall provide certification by a professional civil or structural engineer licensed by the state of Washington that the *floodproofing* methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the *base flood*. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications; and

b. Approved building permits for floodproofed nonresidential *structures* shall contain a statement notifying *applicants* that flood insurance premiums shall be based upon rates for *structures* which are one foot below the floodproofed level;

3. Materials and methods which are resistant to and minimize flood damage shall be used; and
4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.
- F. All new construction shall be anchored to prevent flotation, collapse or lateral movement of the *structure*.
- G. *Mobile homes* and *mobile home parks* shall meet the following requirements:
 1. *Mobile homes* shall meet all requirements for flood hazard protection for residential *structures*, shall be anchored and shall be installed using methods and practices which minimize flood damage; and
 2. No permit or approval for the following shall be granted unless all *mobile homes* within the *mobile home park* meet the requirements for flood hazard protection for residential *structures*:
 - a. A new *mobile home park*;
 - b. An expansion of an existing *mobile home park*; or
 - c. Any repair or reconstruction of *streets*, utilities or pads in an existing *mobile home park* which equals or exceeds 50 percent of the value of such *streets*, utilities or pads.
- H. Utilities shall meet the following requirements:
 1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the *flood protection elevation*;
 2. New on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the *base flood elevation*. The installation of new on-site sewage disposal systems in the *flood fringe* may be allowed if no feasible alternative *site* is available;
 3. Sewage and agricultural waste storage facilities shall be floodproofed to the *flood protection elevation*;
 4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and
 5. Buried utility transmission lines transporting *hazardous substances* shall be buried at a minimum depth of four feet below the maximum depth of scour for the *base flood*, as predicted by a professional civil engineer licensed by the state of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
- I. *Critical facilities* may be allowed within the *flood fringe* of the *floodplain*, but only when no feasible alternative *site* is available. *Critical facilities* shall be evaluated through the *conditional* or *special use permit* process. *Critical facilities* constructed within the *flood fringe* shall have the lowest floor elevated to three or more feet above the *base flood elevation*. *Floodproofing* and sealing measures shall be taken to ensure that *hazardous substances* will not be displaced by or released into floodwaters. Access routes elevated to or above the *base flood elevation* shall be provided to all *critical facilities* from the nearest maintained public *street* or roadway.
- J. Prior to approving any permit for alterations in the *flood fringe*, the city of Kenmore shall determine that all permits required by state or federal law have been obtained. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.720**Zero-rise floodway – Development standards and permitted alterations.**

- A. The requirements which apply to the *flood fringe* shall also apply to the *zero-rise floodway*. The more restrictive requirements shall apply where there is a conflict.
- B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation* unless the following requirements are met:
 1. Amendments to the *flood insurance rate map* are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the *base flood elevation*; and
 2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
- C. The following are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact:
 1. New residential *structures* outside the *FEMA floodway* on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway* and which have a total building footprint of all proposed *structures* on the lot of less than 2,000 square feet;

2. *Substantial improvements* of existing residential *structures* in the *zero-rise floodway*, but outside the *FEMA floodway*, where the footprint is not increased; or

3. *Substantial improvements* of existing residential *structures* meeting the requirements for new residential *structures* in KMC 18.55.710.

D. Post or piling construction techniques which permit water flow beneath a *structure* shall be used.

E. All temporary *structures* or substances hazardous to public health, safety and welfare, except for *hazardous household substances* or consumer products containing *hazardous substances*, shall be removed from the *zero-rise floodway* during the flood season from September 30th to May 1st.

F. New residential *structures* or any *structure* accessory to a residential *use* shall meet the following requirements:

1. The *structures* shall be outside the *FEMA floodway*; and

2. The *structures* shall be on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway*.

G. Utilities may be allowed within the *zero-rise floodway* if the city of Kenmore determines that no feasible alternative *site* is available, subject to the following requirements:

1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the Seattle/King County department of public health; and

2. Construction of sewage treatment facilities shall be prohibited.

H. *Critical facilities* shall not be allowed within the *zero-rise floodway* except as provided in subsection (J) of this section.

I. Livestock manure storage facilities and associated nonpoint source water pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the city of Kenmore may be allowed if the city of Kenmore reviews and approves the location and design of the facilities.

J. *Structures* and installations which are dependent upon the floodway may be located in the floodway if the *development proposal* is approved by all agencies with jurisdiction. Such *structures* include, but are not limited to:

1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;

2. Flood damage reduction facilities, such as levees and pumping stations;

3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;

4. Stormwater conveyance facilities subject to the development standards for *streams* and *wetlands* and the surface water design manual;

5. *Boat launches* and related recreation structures;

6. Bridge piers and abutments; and

7. Other fisheries enhancement or stream restoration projects. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.730

FEMA floodway – Development standards and permitted alterations.

A. The requirements which apply to the *zero-rise floodway* shall also apply to the *FEMA floodway*. The more restrictive requirements shall apply where there is a conflict.

B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation*.

C. New residential or nonresidential *structures* are prohibited within the *FEMA floodway*.

D. *Substantial improvements* of existing residential *structures* in the *FEMA floodway*, meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.740

Flood hazard areas – Certification by engineer or surveyor.

A. For all new *structures* or *substantial improvements* in a *flood hazard area*, the *applicant* shall provide certification by a professional civil engineer or land surveyor licensed by the state of Washington of:

1. The actual as-built elevation of the lowest floor, including *basement*; and

2. The actual as-built elevation to which the *structure* is floodproofed, if applicable.

B. The engineer or surveyor shall indicate if the *structure* has a *basement*.

C. The city of Kenmore shall maintain the certifications required by this section for public inspection. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.750

Channel relocation and stream meander areas.

No *structure* shall be allowed which would be at risk due to channel relocation or stream meander until the promulgation of a public rule. [Ord. 06-0244 § 59 (Exh. 1).]

Chapter 18.4257

TREE MANAGEMENT AND PROTECTION

Sections:

18.4257.010 Title.

18.4257.015 Findings and purpose.

~~18.42.020 Definitions.~~

18.4257.030 Applicability.

18.4257.035 Exemptions.

~~18.42.040 The city's tree protection professional.~~

18.4257.050 Tree protection plan required.

18.4257.060 Tree density requirement.

18.4257.070 Tree protection plan review procedure.

18.4257.080 Tree protection plan review standards.

18.4257.090 Tree protection during construction.

18.4257.100 Post-construction replacement, financial guarantee and maintenance requirements.

18.4257.110 Penalties, enforcement.

18.4257.010

Title.

This chapter shall be known and may be cited as the Kenmore tree management and protection code. [Ord. 04-0214 § 2.]

18.4257.015

Findings and purpose.

A. Reducing soil *erosion* and water pollution in the city's *streams* and creeks by providing wind breaks, slowing the surface movement of water, reducing the amount of stormwater runoff, and stabilizing soil with their roots and fallen leaves;

B. Improving air quality by removing pollutant gases and airborne particles;

C. Positively affecting energy and water conservation by providing shade, lowering temperatures, and reducing net evaporation rates;

D. Reducing noise pollution by absorbing and deadening excessive and/or unwanted noise and by screening the source of the noise from view; and

E. Providing a wide variety of habitats and ecosystems for birds, mammals, and other wildlife;

F. Accordingly, the purpose of this chapter is to establish a process and standards to:

1. Increase the livability of an area by helping to screen people and *buildings* from wind and inclement weather;

2. Create a special sense of identity, a sense of community and civic pride, and a memorable place to live and work;

3. Preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of *trees*;

4. Promote *site* planning, construction practices, and horticultural practices that are consistent with the *reasonable use* of property;
5. Implement the goals and objectives of the *city's* comprehensive plan; and
6. Implement the goals and objectives of the *city's* parks and recreation master plan. [Ord. 04-0214 § 2.]

18.42.020**Definitions.**

For purposes of this chapter, words and phrases shall have their customary dictionary definition except those words and phrases specifically defined in this section:

1. "Agriculture" means the use of the land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.
2. "Arboriculture" means the use of state-of-the-art techniques to preserve or enhance trees on public and private lands. This may include site design strategies and construction and planting techniques which incorporate best management practices.
3. "Caliper" means the American Nursery and Landscape Association (ANLA) standards for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above ground for up to and including four inch caliper size and 12 inches above the ground for larger sizes.
4. "City" means the city of Kenmore, Washington.
5. "Commercial nursery" or "tree farm" means a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.
6. "Critical root zone" is the area where the tree's essential mass of roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every inch of trunk diameter at breast height.
7. "Crown" means the area of a tree containing leaf or needle bearing branches.
8. "Development" means the division of a parcel of land into two or more parcels; the construction, structural alteration, relocation, or enlargement of any attached/group residential, existing single family residential, commercial, institutional, and/or industrial structure; any mining, excavation, landfill, clearing, or land disturbance; or any use or extension of the use of the land unless otherwise exempt from the provisions of this chapter per KMC 18.42.035.
9. "Diameter at breast height (d.b.h.)" means a tree's diameter in inches at four and one half feet above the ground. On multiple stemmed or trunked trees, the diameter shall be the sum of diameters of all individual stems or trunks.
10. "Grove" means a contiguous grouping of trees standing in close proximity, which form a continuous canopy and/or are mutually dependant.
11. "Hazard tree" means any tree with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A "hazard tree" includes, but is not limited to, any isolated tree(s) that have a high probability of failure due to low wind firmness in post-construction conditions as determined by a qualified tree protection professional.
12. "Limit of construction line" means a line separating the net buildable areas from the protected areas.
13. "Net buildable area" means the "site area" less the following areas:
 - a. Areas within a project site which are required to be dedicated for public rights of way;
 - b. Critical areas and their buffers to the extent they are required by the city of Kenmore to remain undeveloped;
 - c. Areas required for stormwater control facilities other than facilities which are completely underground, including, but not limited to, retention/detention ponds, biofiltration swales and setbacks from such ponds and swales;
 - d. Areas required by the city of Kenmore to be dedicated or reserved as on site recreation areas;
 - e. Regional utility corridors; or
 - f. Other areas, excluding setbacks, required by the city of Kenmore to remain undeveloped.
14. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit however designated.
15. "Qualified tree protection professional" means a licensed professional with academic and/or field experience that makes her or him a recognized expert in tree preservation and management. The tree protection professional may be an arborist certified by the International Society of Arboriculture or be an arborist registered with the American Society of Consulting Arborists, and shall have specific experience with tree management in the state of Washington. A qualified

tree protection professional must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during development.

16. "Remove" or "removal" means the act of removing a tree by digging up, cutting down, or any act which causes a tree to die within a period of three years from such act.

17. "Street tree" means trees located within the street right of way, adjacent to public or private streets, including undeveloped areas.

18. "Transplant" means the relocation of a tree from one place to another.

19. "Tree" means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite crown, maturing at a height of at least 12 feet above ground level. The city's tree protection professional shall determine whether any specific woody plant shall be considered a tree.

20. "Tree protection zone" includes the area within a circle with a radius extending from the tree's trunk to a point three feet beyond the outer edge of the root protection zone.

21. "Tree tract" is a separate deeded tract of land, specifically set aside for the preservation and planting of trees.

22. "Undeveloped" means a parcel of land on which no buildings or other facilities are located.

23. "Wind firm" means a tree which is capable of withstanding windstorms. [Ord. 09-0295 § 1; Ord. 04-0214 § 2.]

18.4257.030

Applicability.

A. No person, individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall directly or indirectly, shall remove or destroy any tree as defined in this chapter within the city, without first obtaining a clearing permit as provided in KMC Title 15.

B. Unless otherwise exempted in KMC 18.4257.035, any site subject to development, including the division of a parcel of land into two or more parcels, as defined in this chapter within the city, shall comply with the requirements of this chapter.

C. Approval of a tree protection plan pursuant to the provisions of this chapter shall not discharge the obligation of the applicant to otherwise comply with the applicable provisions of this chapter.

D. When any provision of any other chapter of the Kenmore Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection for individual trees and groves of trees shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations. [Ord. 04-0214 § 2.]

18.4257.035

Exemptions.

A. The following land uses are exempt from the provisions of this chapter. However, compliance with other applicable provisions of the Kenmore Municipal Code including but not limited to then-current critical area regulations per Chapter 18.55 KMC and then-current clearing regulations per Chapter 15.25 KMC is still required:

1. Agriculture. Lands from which the removal of trees is shown to be necessary for bona fide agricultural use. 1. "Agriculture" means the use of the land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.

2. Commercial Nurseries or Tree Farms. But only those trees which are planted and growing on the premises of a licensed retailer or wholesaler for sale to the general public. Other trees on such premises shall remain subject to this chapter.

3. Residential Development.

a. All existing lots on which are to be situated new detached single-family detached dwelling units in residential zones based on tree removal limits established by clearing requirements.

b. All existing lots on which are situated existing detached dwelling units in residential zones based on tree removal limits established by clearing requirements.

4. Downtown Commercial and Downtown Residential **zones**. All *development* occurring within core areas designated as downtown commercial and downtown residential **zones in the Kenmore downtown plan as now in effect or as may be subsequently amended**. [Ord. 09-0295 § 2; Ord. 04-0214 § 2.]

18. 42.040

The city's tree protection professional.

A. In the interest of achieving professional assistance in the city's tree protection efforts and achieving consistency in tree protection decisions, the city shall retain a qualified tree protection professional as defined in this chapter to provide the information and services required of a tree protection professional described herein.

B. Individual applicants will be responsible for payment to the city of the actual cost to the city for the tree protection professional for projects necessitating work to be performed by the tree protection professional, with the exception of work in determining an exempt project. [Ord. 04-0214 § 2.]

18. 4257.050

Tree protection plan required.

A. Requirement Established. Except for the exemptions enumerated in this chapter, no **person/individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated** shall remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any land in the city, any *tree* as defined in this chapter, without first obtaining the **community development director/city manager's** approval of a tree protection plan and receiving a clearing permit from the city. For sites proposed for land development, **including the division of a parcel of land into two or more parcels**, having *trees* below the minimum tree density, even though no *trees* are proposed to be removed, a tree protection plan is required to bring the site up to the minimum tree density standard herein established.

B. Submittal of Tree Protection Plan. Where the site proposed for *development* requires site **plan** or plat **or short plat** review, the tree protection plan shall be submitted concurrent with a site plan or plat **or short plat** application.

C. Tree Protection Plan Requirements. Attached to the *applicant* information and site plan information required for the clearing permit applications, the *applicant* shall include the following tree protection plan information:

1. *Tree Survey*. For all *development proposals* a *tree survey*, drawn to scale by a land surveyor licensed in Washington State, identifying the exact location and conditions of existing *trees* as defined in this **chapter/title** and containing the following information:

- a. Common and botanical name of each *tree*.
- b. *Trees* proposed to remain and to be removed.
- c. *Groves* with indication of predominant species, number of *trees* and size of d.b.h.
- d. Any off-site *tree* with a root protection zone which could be adversely affected by the proposed activity.
- e. The location and dimensions of established and proposed perimeter *landscaping*, natural *vegetation* easements, and open space areas for public, *private*, or community use.
- f. *Net buildable areas*.
- g. *Critical areas* and their *buffers*.
- h. Stormwater tracts.
- i. Limits of construction line.
- j. North arrow, scale, and date of survey.

2. A statement describing how *trees* intended to remain will be identified, marked, and protected before the start of and during *development* as further described in KMC 18. 4257.090.

3. A statement that describes replacement tree quality as conforming to the American Standards for Nursery Stock (ANSI).

4. Proposed Tree Protection Plan. The permit *applicant* shall have a *qualified tree protection professional* prepare a tree protection plan. The tree protection plan shall be drawn to scale using the *tree survey* as a base and containing the following information:

- a. The exact location and conditions of protected *trees*.
- b. The exact location, common name, botanical name, and *caliper* of each *tree* species to be planted.
- c. The *site* minimum tree density calculation indicating the total number, size, and species of existing *trees* to be preserved and the replacement *trees* to be planted as described in KMC 18. 4257.060.

d. The *site* replacement tree calculation as described in KMC 18.4257.060 with an explanation including the number, *caliper*, and species.

e. The location, materials, dimensions, and layout of the protective barriers.

5. Submit a Landscape Bond Quantity Form.

6. Additional Information. Any additional or more detailed information required by the *director/city manager* to ensure compliance with the provisions of this chapter (i.e., aerial photograph). The *director/city manager* may waive the requirements for the scaled drawing and other submission data if he finds that the information presented is sufficient to determine the project's compliance with the provisions of this chapter. [Ord. 04-0214 § 2.]

18.4257.060

Tree density requirement.

A. Minimum Tree Density Requirement Established. A minimum tree density is required on each *site*. The tree density may consist of existing *trees*, replacement *trees*, or a combination of existing and replacement *trees*. The *site* density of *trees* to be protected on each *site* shall be determined prior to approval of a tree protection plan or clearing permit, by the *director/city manager* or his or her designee.

B. Tree Density Calculation. The minimum tree density required for each *site* is 30 tree units per acre of *net buildable area*.

1. To calculate the density of *trees* to be protected:

1a. Obtain the d.b.h. measurement in inches for each protected *tree* within the *net buildable area*.

1b. Go to Table 18.4257.060A and select the tree unit value that corresponds to the d.b.h. for each protected *tree*.

1c. Add up the tree unit values for all protected *trees* and divide by the total acreage of the *net buildable area*.

This value must equal or exceed 30 tree units per acre of *net buildable area*. If the total is less than 30 tree units per acre, more *trees* must be protected or replacement *trees* will be required.

1d. If replacement *trees* are planted as *groves* within designated tracts, then *applicant* may reduce total tree units required by 10 percent.

Table 18.4257.060A Existing Trees to Remain.

(Conversion from diameter (d.b.h.) in inches to tree units for *trees* protected on *site*.)

d.b.h.	Tree Units	d.b.h.	Tree Units
1 – 5	1.0	30	8.2
6 – 10	1.2	31	8.6
11	1.4	32	9.0
12	1.8	33	9.5
13	2.0	34	10.0
14	2.3	35	10.5
15	2.6	36	11.0
16	2.9	37	11.5
17	3.2	38	12.0
18	3.5	39	12.5
19	3.8	40	13.0
20	4.2	41	13.5
21	4.6	42	14.0
22	5.0	43	14.5

d.b.h.	Tree Units	d.b.h.	Tree Units
23	5.4	44	15.0
24	5.8	45	15.5
25	6.2	46	16.0
26	6.6	47	17.0
27	7.0	48	18.0
28	7.4	49	19.0
29	7.8	50	20.0
For every one inch greater than 50 d.b.h., add an additional 2 tree units (i.e., 62 d.b.h. = 44 tree units).			

C. Replacement *Tree* Requirement. If the number of existing *trees* is not enough to meet the minimum of 30 tree units per acre, a sufficient number of replacement *trees* shall be planted to meet the minimum requirement. To determine the total number of replacement *trees* required:

1. Obtain the *caliper* measurement for each replacement *tree*. Replacement *trees* are measured differently than protected *trees*. Instead of measuring d.b.h. as in protected *trees*, replacement *trees* are measured by *caliper* in inches according to industry standards (ANSI). *Caliper* on replacement *trees* is measured six inches above the ground line for four-inch and smaller *trees*, and 12 inches above ground for larger replacement *trees*.

2. Go to Table 18.4257.060B and select the tree unit value that corresponds to the *caliper* for each replacement *tree*.

3. Add the replacement tree unit values together to determine how many of that size *tree* will be required to achieve the minimum *site* density. See Table 18.4257.060C for an example.

Table 18.4257.060B Replacement Trees.

(Conversion from *caliper* inches to tree units for replacement *trees*.)

Deciduous Tree Caliper Inches	Tree Units for Deciduous Trees	Coniferous Tree Height in Feet	Tree Units for Conifers	Tree Units for Native Conifers
1.5"	0.4	4' – 6'	0.5	0.8
2"	0.5	6' – 8'	0.7	1.0
3"	0.6	8' – 10'	1.0	1.5
4"	0.7	11' – 12'	1.5	2.0
5"	0.8			
6"	1.0			
7"	1.2			
8" +	1.5			

Table 18.4257.060C Sample Tree Density Calculation.

The required density factor is calculated below as follows for five acres: five acres x 30 units = 150 tree units required.

Existing density (ED):

Size	Quantity	Total Units	Size	Quantity	Total Units
24"	3	17.4	12"	5	9.0
18"	3	10.5	8"	6	7.2
10"	4	4.8	15"	8	20.8
30"	7	57.4	4"	10	10.0
				Total ED	137.1

Replacement density RD:

Size	Units	Quantity	Total Units
2" <i>Deciduous</i>	0.5	12	6.0
4" <i>Deciduous</i>	0.7	6	4.2
4' – 6' Native Conifer	0.8	5	4.0
		Total RD	14.2

ED + RD =	Site Total Tree Density	>	or	=	Minimum Density Required
137.1 + 14.2 =	151.3	>			150 Density Satisfied

The sum of the ED and RD must be greater than or equal to the minimum density required. [Ord. 09-0295 § 3; Ord. 04-0214 § 2.]

18. ~~4257.070~~

Tree protection plan review procedure.

A. *Departmental Review.* The ~~director~~*city manager* or his or her designee shall review the tree protection plan and clearing permit application to determine whether the *applicant* has provided all required information. Completed applications shall be referred to appropriate *city departments* and/or the ~~city tree protection professional~~ for review. Upon request of either the *applicant* or the *city*, the *city* may conduct field inspections or review meetings. *City departments* and/or the ~~city tree protection professional~~ involved in the review and/or inspections shall submit their report(s) and recommendation(s) to the ~~director~~*city manager*.

B. *Evaluation for Compliance.* The ~~director~~*city manager* or his or her designee may require an evaluation by the ~~city~~ a *qualified tree protection professional*, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree protection plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this chapter and/or the terms of the clearing permit. *Individual applicants will be responsible for payment to the city of the actual cost to the city of this evaluation.* The actual costs of any such evaluation shall be paid to the *city* within 30 days of receipt of the *city's* invoice.

C. *Financial Guarantees.* For all projects required to have a tree protection plan, *financial guarantees* shall be required consistent with the provisions of KMC 21.20.070; provided, however, that to the extent that the *financial guarantee* requirements of KMC 18.~~4257~~.100 are more protective of tree preservation, performance and maintenance, then the more protective requirements shall prevail. [Ord. 09-0295 § 4; Ord. 04-0214 § 2.]

~~B. [Ord. 04-0214 § 2.]~~

18. ~~4257.080~~**Tree protection plan review standards.**

The following standards shall govern the approval of a tree protection plan and the granting or denial of an application for clearing permit:

A. Design. *Development* shall be designed, located, and conducted so as to minimize the loss of healthy *groves* and protected *trees* as identified by a *qualified tree protection professional*, degradation of wildlife habitat as identified through environmental review, and the potential for *erosion* and slope failure.

B. *Tree Protection Priority*. In designing a development project and in meeting the required minimum tree density, the *applicant* shall protect *trees* within the *net buildable area* as described in KMC 18.57.060(B)(1), in the following order of priority. *Trees* to be preserved and protected must be healthy and vigorous, *wind-firm*, and not in conflict with utilities.

1. *Groves*.

2. Individual *trees* which provide wildlife habitat as identified through environmental review.

3. Individual *trees* and *groves* which occur within required *setbacks*.

4. *Trees* sheltering interior *trees* or *trees* on adjacent property from strong winds that could otherwise cause them to blow down.

5. *Trees* which provide a buffer and separate incompatible *uses* or reduce sound and wind levels.

C. Replacement *Tree Planting Conditions*. Replacement *trees* should be planted in areas with soil, climate, exposure, and moisture conditions appropriate to the replacement *tree species'* growing requirements as determined by a *qualified tree protection professional*, licensed landscape architect, or certified nurseryman.

D. Replacement *Tree Planting Location Priority*. On *sites* where the number of existing *trees* falls below the minimum density requirements, then replacement *tree* planting shall be required. The *applicant's* proposed location of transplanted or replacement *trees* shall be subject to review by ~~the city's~~ *qualified tree protection professional*, licensed landscape architect, or certified nurseryman, and *city* approval as part of the tree protection plan. Replacement *trees* should be planted according to the following priority:

1. On Site.

a. Designated Tracts. *Trees* located in separate deeded *tree* tracts specifically set aside for the preservation and planting of *trees* and/or the required recreation open space area if *trees* do not interfere with recreation activities.

b. Perimeter *Landscaping*. In which case, replacement *trees* shall not count toward and shall be in addition to perimeter landscape requirements.

c. *Landscaping*. This may include entrance landscaping, traffic islands, and other common open space areas. *Trees* located in a public right-of-way may be credited as replacement *trees* only if *street trees* are not a requirement.

2. Off Site.

In cases where an *applicant* believes that lot size prevents installation of the required number of *trees*, the *applicant* may propose to the *city* payment of a fee in lieu for installation of *trees* in a public park or other public space. The *city manager* shall review and make the final decision on the *applicant's* proposal, based on a recommendation from a *qualified tree protection professional*. (SIGNIFICANT CHANGE)

E. Replacement *Conifer Tree Types*. Replacement *trees* shall be of a similar type of genus to the conifer *trees* that are removed, i.e., a Western Red Cedar (*Thuja plicata*) may be replaced with a *tree* in the genus *Thuja*, such as an American Arborvitae (*Thuja occidentalis*). [Ord. 09-0295 § 5; Ord. 04-0214 § 2.]

18. ~~4257.090~~**Tree protection during construction.**

Prior to initiating tree removal and any *clearing* and *grading* on the *site*, *trees* to be protected and preserved shall be protected from potentially damaging activities as follows unless otherwise approved by the *city*.

A. *Critical Root Zone (CRZ)*. The *CRZ* of individual *trees*, *groves*, or otherwise designated protected tree areas shall include no less than the area of a circle with a radius that extends one foot out from the center of the *tree* for every inch of trunk d.b.h., or the area of a circle with radius extending from a *tree's* trunk to a point no less than the end of a *tree's* longest branch, whichever is greater (see Figure 18.4257.090A).

B. *Tree Protection Fence (TPF)*. Before *development*, the *applicant*:

1. Shall place three inches of composted woodchips over the *CRZ* of all retained *trees* to retain moisture, increase organic matter, and visually establish the *CRZ*.

2. Shall erect and maintain readily visible protective tree fencing a minimum of three feet beyond the outer edge of the CRZ for all individual *trees*, *groves*, or other designated protected tree areas.

a. Fencing shall completely surround the required tree protection area. The city ~~manager's~~ qualified tree protection professional may allow adjustments to placement of the TPF based on ~~his or her~~ evaluation of the tree, soils, and proposed disturbance.

b. Fencing shall be a minimum of four feet high and may be higher if needed to ensure clear visual delineation. Chain-link fence or orange plastic fence fastened to steel stakes/posts driven securely into the ground shall be required in order to discourage easy movement.

c. Any deviation from the tree fencing methods listed above must be authorized in writing by the ~~director~~city manager in advance.

3. Shall keep the protective fencing in place until the city authorizes the removal or issues a final certificate of occupancy, whichever occurs first.

4. Shall ensure that any landscaping done within the root protection zone subsequent to the removal of the fence shall not disturb existing trees including roots within the CRZ.

C. Placing Materials Near Tree. During development, no ~~person~~individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, may conduct any activity within the TPF of any tree designated to remain, except as specified in this section.

D. Attachments to Trees. During development, no ~~person~~individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall attach any object to any tree designated for protection.

E. Grade.

1. The grade shall not be filled or cut within the CRZ of any tree designated to remain without prior review by the city's qualified tree protection professional and advance, written approval from the ~~director~~city manager.

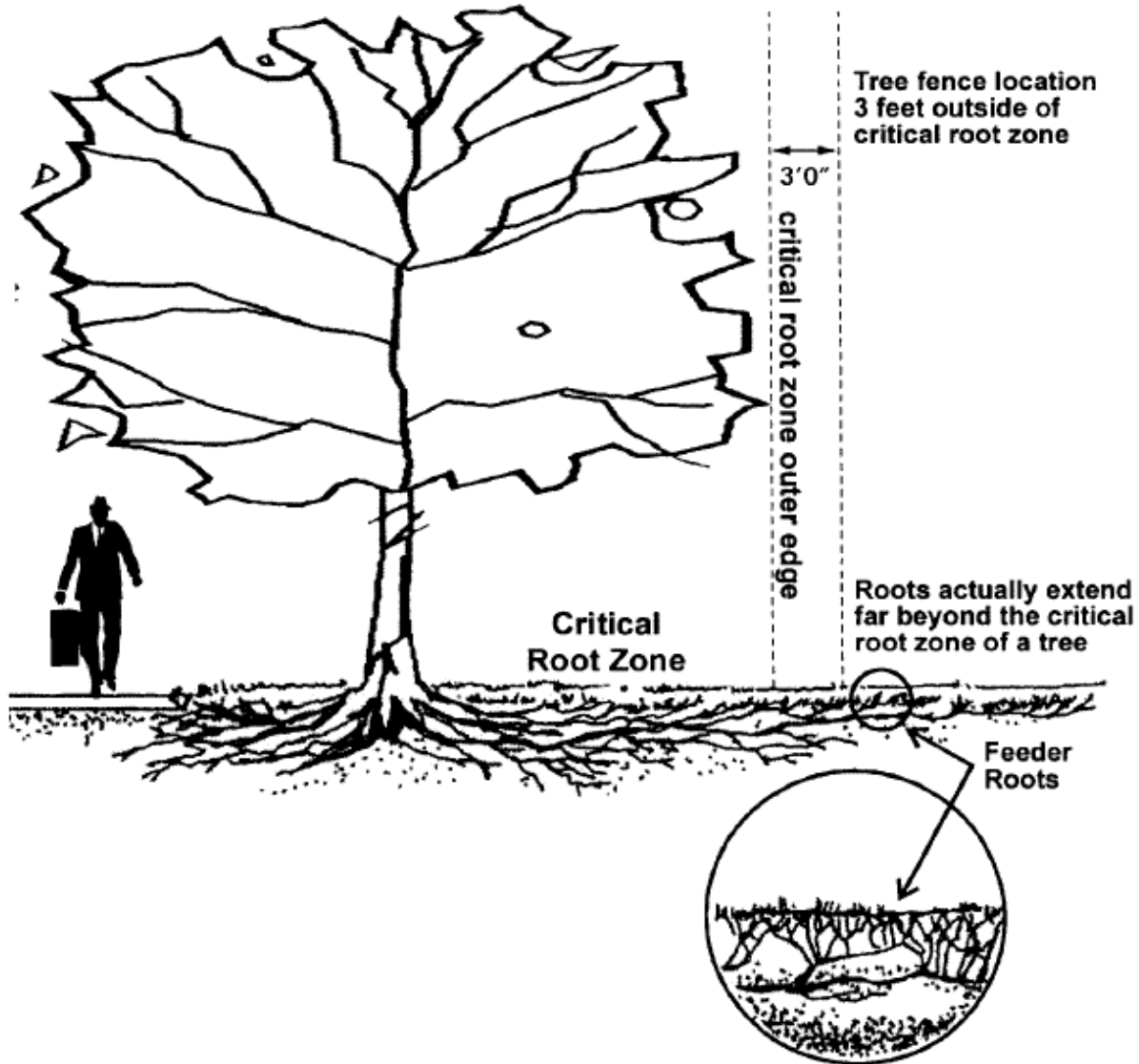
2. The applicant shall not install an impervious surface within the protective barrier of any tree designated to remain without the advance, written authorization of the ~~director~~city manager.

3. To the greatest extent practical, utility trenches shall be located outside of the root protection zone of trees to be retained. Boring or tunneling under the CRZ may be considered an alternative, but shall require the advance, written approval of the ~~director~~city manager.

4. Trees and other vegetation to be retained shall be protected from erosion and sedimentation.

F. Additional Requirements. The ~~director~~city manager may require additional tree protection measures which are consistent with accepted urban forestry practices.

Figure 18. 4257.090A Critical Root Zone.



This section shows a cross-section of the typical root zone for a *deciduous tree*. Eighty-five percent of the *tree's* roots are within the top 18 inches of the soil. Roots typically spread up to two times the height of the *tree* and sometimes more. However, the critical mass of roots is usually found within the *critical root zone*. The critical root zone is the same as the dripline. A fence must be placed three feet beyond the dripline. [Ord. 04-0214 § 2.]

18. ~~4257~~.100**Post-construction replacement, financial guarantee and maintenance requirements.**

A. Replace Damaged, Dead, or Dying *Trees*. Replacement *trees* or *groves* that are damaged or die within a period of three years after planting or transplanting must be replaced in kind at a ratio of one-to-one within six months of the *tree's* death or the date of discovery of the damage. Existing *trees* that are damaged or die within a period of three years after completion of construction activities and as a cause of construction activities as determined by a *qualified tree protection professional* shall be replaced in kind at a ratio of two-to-one within six months of the *tree's* death or date of discovery of the damage.

B. Replacement *Tree* Quality. Replacement *trees* shall conform to the American Standards for Nursery Stock, ANSI.

C. *Tree* Maintenance. All *trees* shall be maintained in accordance with International Society of Arboriculture guidelines and standards.

D. *Financial Guarantee* Required. A *financial guarantee* as defined and regulated under KMC Title 21 shall be required as a mechanism to cover any potential cost associated with replacing dead or dying replacement or existing *trees* required to satisfy tree unit requirements per this section.

1. A *financial guarantee* shall be required for all plans requiring 15 or more tree units.

2. Calculation of the amount of the *financial guarantee* shall be computed based upon equivalent tree replacement value for all replacement and existing *trees* on the property as determined by a *qualified tree protection professional* using the most recent edition of the Guide for Plant Appraisal published by The International Society of Arboriculture, in collaboration with the Council of Tree and Landscape Appraisers. Fair market value shall be posted. Fair market value includes the value of the *tree(s)*, installation, and maintenance until establishment that would be required to compensate for the *trees* that could be lost.

3. The *financial guarantee* period for maintenance shall be three years, plus an additional 60 days.

4. Release of *Financial Guarantee*.

a. Upon successful tree replacement and establishment as determined by the written approval of the ~~city's code enforcement officer, the city's qualified tree protection professional~~ *city* and consistent with Chapter 21.15 KMC, the *financial guarantee* required by this section shall be released.

b. The *city*, in its discretion, may release a *financial guarantee* under this section when fee simple title is transferred. The *city* may condition the release of the existing *financial guarantee* upon establishment of a new *financial guarantee* by the new owner in fee simple. [Ord. 09-0295 § 6; Ord. 04-0214 § 2.]

18. ~~4257~~.110**Penalties, enforcement.**

A. Civil Penalty. Any violation of any provision of this chapter constitutes a civil violation under Chapter 1.15 KMC, and is subject to the enforcement procedures of Chapter 1.20 KMC; provided, however, that ~~an person individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated,~~ who removes any *tree* in violation of this chapter shall be assessed the following civil penalty:

~~An person individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated,~~ removing a *tree* in violation of this chapter shall be assessed a monetary penalty in the amount of \$2,000 per inch in *diameter at breast height* of *tree* removed. For example, if a 20-inch *tree* is removed, then the penalty would be \$40,000.

B. Criminal Penalty. In addition to, or as an alternative to incurring civil liability under this section, ~~an person individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated,~~ who violates any provisions of this chapter shall be guilty of a misdemeanor and subject to the criminal penalties set forth in Chapter 1.15 KMC, and shall be subject to the procedures of the *city's* criminal code, KMC Title 9.

C. Separate Offense. Every ~~person individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated,~~ violating any provision of this chapter is guilty of a separate offense for each and every day during any portion of which the violation is committed, continued or permitted by any such ~~person individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated,~~ [Ord. 09-0295 § 7.]

Chapter 18.60

DEVELOPMENT STANDARDS— COMMUNICATION FACILITIES

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- ~~18.60.040 Definitions.~~
- 18.60.050 Minor communication facilities – Review process.
- 18.60.060 Minor communication facilities – Location within street, utility and railroad rights-of-way.
- 18.60.070 Minor communication facilities – Public parks, open spaces and other property owned by the city ~~of Kenmore.~~
- 18.60.080 Minor communication facilities – Pre-application community meetings.
- 18.60.090 Application requirements for new transmission support structures.
- 18.60.100 Application requirements for new antennas on all existing support structures.
- 18.60.110 Modifications to all communication facilities.
- 18.60.120 Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.
- 18.60.130 Minor communication facilities – Collocation.
- 18.60.140 Consolidation.
- 18.60.150 Notification requirements.
- 18.60.160 Setback requirements.
- 18.60.170 Color and lighting standards.
- 18.60.180 Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.
- 18.60.190 Minor communication facilities – Visual compatibility standards.
- 18.60.200 Minor communication facilities – Additional standards to reduce degree of visual impact.
- 18.60.210 Minor communication facilities – Antenna development standards.
- 18.60.220 NIER exposure standards.
- 18.60.230 Fencing and NIER warning signs.
- 18.60.240 Shock and burn standard.
- 18.60.250 Landscaping requirements.
- 18.60.260 Testing of wireless telecommunications facilities required – Radio frequency radiation.
- 18.60.270 Interference.
- 18.60.280 NIER enforcement.
- 18.60.290 Minor communication facilities – Time limits and establishment period.
- 18.60.300 Minor communication facilities – Cessation of use.
- 18.60.310 Minor communication facilities – Criteria for determining technical feasibility.
- 18.60.320 Third party review.

18.60.010**Purpose.**

The purpose of this chapter is to establish guidelines for the siting of *transmission support structures* and *antennas*. The goals of this chapter are to:

- A. Provide for the appropriate location and *development* of wireless telecommunications facilities in locations that promote the public safety and general welfare;
- B. Encourage the location of *transmission support structures* in nonresidential areas and minimize the total number of *transmission support structures* throughout the community;
- C. Strongly encourage the joint use of new and existing *transmission support structure sites*;
- D. Promote telecommunications facility safety through proper engineering and siting;

- E. Accommodate in reasonable time requests for wireless telecommunications facility *development*;
- F. Support all decisions made regarding siting of wireless telecommunications facilities with substantial evidence contained in a written record;
- G. Encourage users of *transmission support structures* and *antennas* to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- H. Encourage users of *transmission support structures* and *antennas* to configure them in a way that minimizes the adverse visual impact of the *transmission support structures* and *antennas*;
- I. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently; and
- J. Ensure compliance with Federal Communications Commission rules and applicable law regarding *non-ionizing electromagnetic radiation (NIER)*. [Ord. 05-0228 § 4.]

18.60.020**Applicability.**

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. All *communication facilities* which are not exempt pursuant to KMC 18.60.030 shall comply with the provisions of this chapter as follows:

- A. New *communication facilities*, with the exception of *consolidations*, shall comply with the provisions of KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170 and 18.60.220 through 18.60.280; new *minor communication facilities* shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;
- B. Modified *communication facilities*, with the exception of *consolidations*, shall comply with standards as provided in KMC 18.60.030, 18.60.140 through 18.60.170, and 18.60.220 and 18.60.280; *modifications to minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;
- C. *Consolidations* shall comply with standards as provided in KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.280; *consolidations to minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply. [Ord. 05-0228 § 4.]

18.60.030**Exemptions.**

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (*FCC*);
- B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;
- C. The storage, shipment or display for sale of *transmission equipment*;
- D. Radar systems for military and civilian communication and navigation;
- E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;
- F. Two-way radio utilized for temporary or *emergency* services communications;
- G. Licensed amateur (ham) radio stations and citizen band stations;
- H. *Earth station* downlink using satellite dish *antennas* with a diameter of less than two meters or 6.6 feet; provided, that stations in excess of one dish *antenna* are subject to *conditional use permits*;
- I. Any *antenna* which is treated as exempt under 47 Code of Federal Regulations (C.F.R.) Section 1.4000(a)(1), as it may be amended from time to time;
- J. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming *communication facility, transmission equipment, transmission support structure or transmitter building*; provided, that the *transmission equipment* does not result in noncompliance with KMC 18.60.220 and 18.60.240;
- K. In the event a building permit is required for any *emergency* maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such *emergency* activities. In the event a building permit is required for non-emergency maintenance, reconstruction, repair or

replacement, filing of the building permit application shall be required prior to the commencement of such non-emergency activities;

L. Change-out of equipment that is located on the ground, on an existing *transmission support structure* or on an *alternative transmission support structure* that is replaced in the same location and is the same size or smaller. [Ord. 05-0228 § 4.]

18.60.040

Definitions.

A. "Alternative transmission support structures" shall mean the following manmade structures: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial buildings, commercial signs, *billboards*, multi family buildings, and publicly used structures such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals; and other similar structures as approved by the director of community development.

B. "Categorically excluded" means as defined in 1.1306 and 1.1307 in the Code of Federal Regulations (C.F.R.)

C. "FAA" shall mean the Federal Aviation Administration.

D. "FCC" shall mean the Federal Communications Commission.

E. "Guyed transmission support structure" shall mean a *transmission support structure* that is supported, in whole or in part, by guy wire and ground anchors.

F. "Height" shall mean the vertical distance of any tower as measured from the bottom of the base of the tower ground level to the highest point of such tower.

G. "Lattice tower" shall mean a *transmission support structure* that has open framed supports on three or four sides and is constructed without guy wires and ground anchors.

H. "Modification" shall mean any structural change, addition, or *alteration* that was not included in an approved site plan. Modifications shall include increased heights and changes in *antenna* type.

I. "Monopole tower" shall mean a *transmission support structure* consisting of a single pole, without guy wires or ground anchors.

J. "Public use" shall mean any buildings, structures and uses of land owned, operated and maintained by a government agency, including but not restricted to public schools, fire stations, police stations, recreation sites and facilities and water treatment facilities.

K. "Stealth" shall mean the concealing, camouflaging, or designing of wireless telecommunications facilities—for example, to have the appearance of being part of a structure or building facade or exterior.

L. "Telecommunications facility owner," "transmission support structure owner" or "telecommunications antenna owner" shall mean the person or legal entity vested with ownership, equitable ownership, dominion, or title to the wireless telecommunications facility, transmission support structure or antenna. M. "Transmission support structure" means a pole or lattice-work structure specifically designed and intended to support antennas and related communication equipment.

N. "Wireless services" shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. [Ord. 05-0228 § 4.]

18.60.050

Minor communication facilities – Review process.

Minor communication facilities shall be reviewed as follows:

Minor Communication Facilities – Review Process

Zone District(s)	Antenna	Transmission Support Structure
RB, NB, DC	P	C

Zone District(s)	Antenna	Transmission Support Structure
R1 – R6, P	P ² , C	C ³ , S
R12 – R48, DR	P	C ³ , S

P – Permitted Use – reviewed through Type **LA-2** process outlined in KMC 19.25.020.

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

S – Special Use – reviewed through Type 3 process outlined in KMC 19.25.020.

¹ Reserved.

² Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522; or located on an *alternative transmission support structure* or *transmission support structure* with existing telecommunication facilities per KMC 18.60.270.

³ Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522.

[Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.060

Minor communication facilities – Location within street, utility and railroad rights-of-way.

A. The mounting of *antennas* upon existing *structures*, such as power poles, located within publicly or privately maintained *street*, utility and railroad rights-of-way is permitted. The process by which these facilities are approved is outlined in KMC 18.60.050, by first determining the most restrictive zone that abuts the right-of-way. However, this authorization shall not be construed as granting a right to use any property without the permission of the property owner. If an existing *structure* within a *street*, utility, or railroad right-of-way cannot accommodate an *antenna* due to structural deficiency, the *structure* may be replaced with a new *structure* that will serve the original purpose. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter and will not exceed the height and *setback* requirements of KMC 18.60.180.

Exception: *Structures* that operate solely as light poles may be replaced; however, they are not to exceed the height of the existing *structure*. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter. Replacement *structures* must meet the criteria in KMC 18.60.170, 18.60.190 and 18.60.200. In addition, if poles were originally installed as a decorative light standard, then the pole must match the other existing poles within the *development* in color, form and any decorative elements.

B. *Minor communication facilities* within *street*, utility and railroad rights-of-way that propose the construction of a separate *structure* used solely for *antenna* shall be subject to the zoning provisions applicable to the property abutting the portion of right-of-way where the *structure* is proposed except that the *setbacks* specified in the zoning code shall not apply. *Setbacks* shall be those specified in the **roadstreet** design standards. In cases where the abutting property on either side of the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

C. The placement of *antennas* on existing or replacement *structures* within *street*, utility or railroad rights-of-way is the preferred alternative in residential neighborhoods and the feasibility of such placement shall be considered by the city whenever evaluating a proposal for a new *transmission support structure*, except for a new *structure* that is proposed to collocate *antennas* for two or more separate service providers. [Ord. 05-0228 § 4.]

18.60.070**Minor communication facilities – Public parks, open spaces and other property owned by the city of Kenmore.**

Within public *parks* and open spaces owned by the city of Kenmore, the placement of *antennas* on existing *structures*, such as power poles, light poles for *streets* and parking lots, light standards for recreational fields and existing *transmission support structures*, is the preferred option. As property owner, the city of Kenmore, separate from any permitting issues related to the project, has complete control over the placement of a facility in a *park* or on any other city-owned property. If an existing *structure* within a city-owned *park* or open space cannot accommodate an *antenna* due to structural deficiency, or does not have the height required to provide adequate signal coverage, the *structure* may be replaced with a new *structure*; provided, that the new *structure* will serve the original purpose and not exceed the original height. Any height increase which exceeds the original height of the *structure* will require a new application for a use permit per KMC 18.60.050. The construction of a new freestanding tower within public *parks* and open spaces owned by the city of Kenmore shall be subject to the requirements of this chapter. [Ord. 05-0228 § 4.]

18.60.080**Minor communication facilities – Pre-application community meetings.**

When a new *transmission support structure* is proposed in any zone within the city of Kenmore, a community meeting shall be convened by the *applicant* prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:

1. Published in the local paper and mailed to the *department* and to the city council; and
2. Mailed notice shall be provided to all property owners within 500 feet (or at least 20 of the nearest property owners, whichever is greater) as required by KMC 18.60.150 of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*, a contact name and telephone number to obtain additional information, and such other information as the city of Kenmore shall reasonably deem necessary and require of the *applicant* in writing. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.

B. At the community meeting, at which at least one employee of the *department of community development*, assigned by the *director/city manager of the department*, shall be in attendance, the *applicant* shall provide information relative to existing *transmission support structures* and other nonresidential *structures*, such as water towers and electrical transmission lines, within one-quarter mile of potential *sites*, and shall discuss reasons why those existing *structures* are unfeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identified in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. *Applicants* shall also provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal. [Ord. 05-0228 § 4.]

18.60.090**Application requirements for new transmission support structures.**

A. In addition to any required site plan, a permit application for any *communication facility* shall also include:

1. A site plan which shows existing and proposed *transmission support structures*; guy wire anchors; warning signs; fencing and access restrictions;
2. A report by a registered professional civil or structural engineer demonstrating compliance with applicable structural standards Chapter 15.25 KMC, and describing the general structural capacity of any proposed *transmission support structure(s)*, including:
 - a. The number and type of *antennas* that can be accommodated; and
 - b. The basis for the calculation of capacity;
3. A report by a registered professional engineer that includes the following:

a. A description of any proposed *transmission support structure(s)*, including height above grade, materials, color and lighting; and

b. Statement related to interference and exposure as required by KMC 18.60.220 and 18.60.270.

4. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*" which will be provided by the city.

B. In addition to any required site plan and the information listed in subsection (A) of this section, a permit application for any *major communication facility* or any *minor communication facility* which is subject to the *special use permit* procedure shall also include:

1. The name and address of the operator(s) of proposed and existing *antennas* on the site;

2. The height of any proposed *antennas*;

3. A statement from a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator license which includes:

a. The calculated *NIER* levels attributable to the proposed *antennas* at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (*NIER* levels) in areas that are expected to be unfenced on-site;

b. For a *major communication facility*, if there is another *major communication facility* within one mile of the site of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to application; and

c. For a *minor communication facility*, if there is an existing *major communication facility* within one-half mile of the site of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to the application.

C. Each *applicant* for a building permit if required by Chapter 15.20 KMC for construction of a *minor communication facility* shall post cash, an irrevocable bond, or an irrevocable letter of credit. The amount required must be computed in the following manner: 20 percent of the cost of construction for the proposed facility; provided, that if the *applicant* can demonstrate that the cost of removal of those facilities is less than this amount, the *applicant* need only provide a bond in the amount of the cost of removal. This bond will remain in effect throughout the operation and use of the facility as security for removal of the *minor communication facility* or any part thereof. [Ord. 05-0228 § 4.]

18.60.100

Application requirements for new antennas on all existing support structures.

A permit application for *antennas* to be located on any existing *structures* shall include:

A. A site plan which shows the existing *transmission support structure* or *alternative transmission support structure*; guy wire anchors; warning signs; landscaping; fencing and access restrictions.

B. A description of any proposed *transmission support structure* or *alternative transmission support structure*, including height above grade, materials, color and lighting.

C. A letter from the owner of the *structure* for which the *antennas* are proposed to be located on, giving permission for the proposal to be processed.

D. A report by a registered professional engineer that includes a statement relating to interference and exposure as required by KMC 18.60.220 and 18.60.270.

E. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*" which will be provided by the city of Kenmore. [Ord. 05-0228 § 4.]

18.60.110

Modifications to all communication facilities.

A. Cumulative *modifications* of conforming or nonconforming *communication facilities*, *transmission support structures*, *alternative transmission support structures* or *transmission equipment* which do not increase the overall height of the *transmission support structure* or *transmission equipment* and which does not cause an increase in *effective radiated power* or *antenna* location shall be allowed provided:

1. A *nonconformance* with respect to the height of the *transmission support structure* or *alternative transmission support structure* shall not be created or increased;

2. Existing perimeter *vegetation* or landscaping shall not be reduced;

3. The *modification* results in compliance with KMC 18.60.220 and 18.60.240. The *applicant* shall provide the city of Kenmore a detailed certification of compliance with these provisions which has been prepared by a licensed professional engineer; and

4. For *minor communication facilities*, the allowances for increased height established by this chapter, including without limitation KMC 18.60.120, shall be complied with.

B. Except for *consolidations* allowed by KMC 18.60.140, *modifications* which increase the overall height of the *transmission support structure* or *transmission equipment* shall be subject to the following provisions:

1. Applications for such *transmission support structures* shall be reviewed pursuant to the applicable process specified in this chapter; and

2. Such *transmission support structures* shall comply with the provisions of KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.270. [Ord. 05-0228 § 4.]

18.60.120

Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.

A. *Modifications to transmission support structures* and *alternative transmission support structures* are permitted through the Type ~~1A2~~ process outlined in KMC 19.25.020 when the *modification(s)* is necessary to accommodate the actual collocation of the *antenna* of other service providers, or to accommodate the current provider's *antenna* required to utilize new technology, such as digital transmissions, and the *transmission support structure* including the proposed *modification* does not increase the height of the existing *transmission support structure* or modify any of the original conditions of approval.

B. *Modifications* to the height or conditions of approval of existing *transmission*

~~C. *Support structures*~~ are permitted through the *transmission support structure* process outlined in KMC 18.60.050.

~~D. *Modifications*~~ to the height or conditions of approval of existing *alternative*

~~E. *Transmission support structures*~~ are permitted through the *antenna* process outlined in KMC 18.60.050.

~~F. *Modifications*~~ to existing legal nonconforming *transmission support structures* and *alternative transmission support structures* shall be subject to the applicable procedure set forth in KMC 18.60.050 may not increase the height of the *structure* more than what is permitted in KMC 18.60.180. [Ord. 05-0228 § 4.]

18.60.130

Minor communication facilities – Collocation.

A. Upon application for a ~~special-use permit, conditional use permit or a building~~ permit for a new *transmission support structure* or *antenna*, the *applicant* shall provide a map showing all existing *transmission support structures* or other suitable nonresidential *structures* located within one-quarter mile of the proposed *structure* with consideration given to engineering and structural requirements. No new *transmission support structure* shall be permitted if an existing *structure* suitable for attachment of an *antenna* or collocation is located within one-quarter mile, unless the *applicant* demonstrates that the existing *structure* or a new *structure* complying with KMC 18.60.120:

1. Would be physically or technologically unfeasible pursuant to KMC 18.60.310; or

2. Is not made available for sale or lease by the owner; or

3. Is not made available at a market rate cost; or

4. Would result in conflicts with Federal Aviation Administration height limitations; or

5. Cannot be collocated within an existing facility due to interference with a third carrier.

B. The burden of proof shall be on the *applicant* to show that a suitable existing, modified or replacement *structure* for mounting of *antenna* or collocation cannot be reasonably or economically used in accordance with these criteria.

C. Prior to the receipt of a building permit to construct a new *transmission support structure*, the *applicant* shall file a letter with the *department* agreeing to allow collocation on the *transmission support structure*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *transmission support structure* to the extent that such collocation is technically feasible for the affected parties.

D. All new or modified *transmission support structures* shall be constructed in a manner that would provide sufficient structural strength to allow the collocation of additional *antennas* from other service providers at the standard 10-foot separation.

E. Applications to collocate new *minor communications facilities* on existing *transmission support structures* and/or *alternative transmission support structures* with no increase in height shall comply with all applicable provisions of KMC Title 19 and be processed as a Type ~~EA~~ permit. [Ord. 05-0228 § 4.]

18.60.140

Consolidation.

Consolidation of two or more existing *transmission support structures* may be permitted subject to the following:

A. If the consolidated *transmission support structure* cannot meet the requirements of KMC 18.60.160, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties as determined by the ~~director of the department of community development~~ *city manager*:

1. Topography and dimensions of the *site*;
2. (In the case of a *consolidation*) to any existing *structures* to be retained;
3. (In the case of a *guyed transmission support structure*) to guy anchor placement necessary to assure structural integrity of the consolidated transmission tower; and
4. Consolidated *transmission support structures* shall be set back from abutting residential property as required in KMC 18.60.180;

B. If a *consolidation* involves the removal of *transmission support structures* from two or more different *sites* and if a consolidated *transmission support structure* is to be erected on one of those *sites*, it shall be erected on the *site* which provides for the greatest compliance with the standards of this chapter;

C. All existing *transmission equipment* on the *site* of a *communication facility* which does not comply with the provisions of this chapter shall be relocated to the consolidated *transmission support structure* before the relocation of *transmission equipment* from a nonexempt off-site, conforming *communication facility* is permitted;

D. The *consolidation* shall not exceed *NIER* and electrical current level limits specified in KMC 18.60.220 and 18.60.240;

E. Any *transmission support structure* to be removed as part of a *consolidation* shall be removed within 12 months of relocation of the transmitting equipment;

F. *Consolidation* shall result in a net reduction in the number of *transmission support structures*; and

G. Consolidated facilities shall require a *conditional use permit*, unless a new *transmission support structure* in the same location would require a *special use permit*, in which case consolidated facilities shall require a *special use permit*. [Ord. 05-0228 § 4.]

18.60.150

Notification requirements.

An *applicant* shall comply with all requirements for notification of a permit application set out in ~~Chapters 18.95 and Title 19.25~~ KMC. [Ord. 05-0228 § 4.]

18.60.160

Setback requirements.

Except as outlined for *modifications* and *consolidations* pursuant to KMC 18.60.110 and 18.60.120 or when *setbacks* are increased to ensure compliance with *NIER* exposure limits, communication facilities shall comply with the following *setbacks*:

A. *Transmission support structures*, for *major communication facilities* which do not exceed the height limit of the zone in which they are located, shall be set back from the property line as provided for *minor communications facilities* in KMC 18.60.180;

B. *Transmission support structures*, for *major communication facilities*, which exceed the height limit of the zone in which they are located, and which are located in zones other than NB, DC, DR, or RB, shall be set back from property lines as set forth in KMC 18.60.180;

C. *Transmission support structures* for *minor communication facilities* shall be set back from the property line as provided in KMC 18.60.180;

D. When two or more *communication facilities* share a common boundary, the *setback* from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining *sites* which limit *development to communication facilities*;
2. Of sufficient depth to provide the *setbacks* required in subsections (A) and (B) of this section;
3. Which provide for the city of Kenmore as a third party signatory to the agreement; and
4. *Transmitter buildings* shall be subject to the *setback* requirements of the zone in which they are located. [Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.170**Color and lighting standards.**

Except as specifically required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), *transmission support structures* and *alternative transmission support structures* and all equipment attached to such *structures* shall:

A. Use nonreflective colors such as gray, blue, brown or green which reduce their visual impacts; provided, wooden poles do not have to be painted.

B. If a replacement pole is proposed then it must match the color of the original pole, unless the use of an alternate color would have less visual impact. For example, if *evergreen* trees surround an existing metal pole, then instead of replacing the pole with a metal or gray pole, the pole may be replaced with a dark green pole.

C. Not be illuminated, except *transmitter buildings* may use lighting for security reasons which is compatible with the surrounding neighborhood.

D. If a replacement *structure* is proposed, the replacement pole must meet the criteria listed in subsection (A) of this section. [Ord. 05-0228 § 4.]

18.60.180**Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.**

A new *transmission support structure* may not exceed the standards of this section.

Minor Communication Facilities – Development Standards

Zone District(s)	Maximum Height ¹ of Transmission Support Structure or Alternative Transmission Support Structure	Setbacks ¹ for New Transmission Support Structure
RB, DC	100 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any A or R1 – R48 zoned property, whichever provides the greater <i>setback</i> .
NB, R1 – R6, R12 – R48, DR	60 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any R1 – R48 zoned property, whichever provides the greater <i>setback</i> .

¹ *Setbacks* may be modified to achieve additional screening; see KMC 18.60.190(C) or as provided in KMC 18.60.160.

C. “Height” shall mean the vertical distance of any *towersupport structure* as measured from the bottom of the base of the *towersupport structure* ground level to the highest point of such *towersupport structure*.

[Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.190**Minor communication facilities – Visual compatibility standards.**

With consideration to engineering and structural requirements, and the coverage patterns the provider is seeking to achieve, *minor communication facilities* shall be subject to the following visual compatibility standards in addition to KMC 18.60.170:

A. When located on *alternative transmission support structures* such as *buildings* or water towers, the placement of the *antenna* on the *structure* should reflect the following order of priority in order to minimize visual impact:

1. When located on a utility pole, *antennas* shall be either fully concealed within the utility pole or camouflaged to appear to be an integrated part of the utility pole. *Antennas* not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which they are mounted and camouflaged or disguised.

2. A location as close as possible to the center of the *structure*;

3. Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the *department* on a case-by-case basis;

4. When located on the outer edge or side-mounted, be placed on the portion of the *structure* less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways; and

5. Transmission and power cables and any other conduit shall be contained within the support structure or *alternative transmission support structure* or located underground.

B. To the extent that there is no conflict with the color and lighting requirements of the Federal Aviation Administration for aircraft safety purposes, *transmission support structures* and *alternative transmission support structures* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing *vegetation* or other *structures* to screen the proposed *transmission support structure* from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

C. The *setback* provisions of KMC 18.60.180 may be waived by the *director of the department of community development* or the *hearing examiner* in order to achieve greater levels of screening than that which would be available by using the stated *setback*, during the course of the review process described in KMC 18.60.180. In waiving the requirement, the *department* or *hearing examiner* shall consider the protection of adjacent lands on the basis of the priorities stated in subsections (A) and (B) of this section. [Ord. 05-0228 § 4.]

18.60.200**Minor communication facilities – Additional standards to reduce degree of visual impact.**

The *department* shall also consider the following criteria and give substantial consideration to on-site location and *setback* flexibility authorized in KMC 18.60.190(C) when reviewing applications for new *transmission support structures* and determining appropriate levels of *mitigation*:

A. Whether existing *trees* and *vegetation* can be preserved in such a manner that would most effectively screen the proposed *transmission support structure* from residences on adjacent properties;

B. Whether there are any natural land-forms, such as hills or other topographic breaks, that can be utilized to screen the *transmission support structure* from adjacent residences;

C. Whether the *applicant* has utilized a tower design that reduces the silhouette of the portion of the *transmission support structure* extending above the height of surrounding *trees*; and

D. Whether the factors of subsections (B) and (C) of this section can be addressed and the height of the proposed tower be reduced and still provide the level of coverage proposed by the *applicant*. [Ord. 05-0228 § 4.]

18.60.210**Minor communication facilities – Antenna development standards.**

A. If *antennas* are located on a *transmission support structure* or utility pole then the *antenna* array shall be flush mounted within six inches of the support structure or pole, or contained in a canister that is a continuation of the diameter of the support structure. If located on a *building*, then the *antenna* array must be flush mounted within 12 inches of the face of the *building* or mechanical equipment screening.

B. *Antennas* shall not extend vertically above the uppermost portion of the *structure* to which they are mounted or attached, as follows:

1. Not more than the height of the *antenna* on the *transmission support structure* or *alternative transmission support structure* or three feet (36 inches), whichever is more restrictive;
2. Not more than 20 feet on a nonresidential *structure*; and
3. Not more than 15 feet on a residential *structure*, such as a garage, carport, shed, etc.

C. *Antennas* must be located at least 33 feet (10 meters) in any one direction from all residential living spaces and schools.

D. *Antenna modifications* and replacements which meet the requirements of subsection (A) of this section do not require approval from the city of Kenmore or a permit; however, testing per KMC 18.60.260 is required. [Ord. 05-0228 § 4.]

18.60.220

NIER exposure standards.

A. A *communication facility*, by itself or in combination with others, shall not expose the public to *NIER* that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in 47 C.F.R. Section 1.1310 or any other applicable federal law or regulation. A statement signed by a licensed professional electrical engineer shall be submitted that states that the proposed communications facilities meet all federal interference rules and regulations.

B. Permit applications for communication facilities shall include a statement, signed by a registered professional electrical engineer licensed in the state of Washington who holds a valid *FCC* General Radiotelephone License, that the proposed communications facilities meet all federal *NIER* rules and regulations. The report must also include the proposed levels of exposure and how they comply with *FCC* guidelines. [Ord. 05-0228 § 4.]

18.60.230

Fencing and NIER warning signs.

All *communication facility sites* shall comply with all federal guidelines regarding fencing and *NIER* warning signs. [Ord. 05-0228 § 4.]

18.60.240

Shock and burn standard.

The *communication facility* shall comply with 47 C.F.R. Section 1.1310. [Ord. 05-0228 § 4.]

18.60.250

Landscaping requirements.

A *communication facility site* shall provide *landscaping* as follows:

A. When the facility is located in:

1. The NB, CB, PSP, RB, DC, or DR zone, the base of any *transmission support structure* or *transmitter building* shall be landscaped with eight feet of Type II *landscaping* as defined by KMC 18.4035.040(B).
2. The R, GC, and P zones, the base of any *transmission support structure*, *alternative transmission support structure* or *transmitter building* shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC 18.4035.040(A).

B. When a security fence is used to prevent access onto a *transmission support structure*, *alternative transmission support structure* or *transmitter building*, any *landscaping* required pursuant to subsection (A) of this section shall be placed outward of such security fence.

C. When a security fence is used:

1. In the NB or RB zone, wood slats shall be woven into the security fence if made of chain-link material.
2. In the R zone, climbing evergreen shrubs or vines capable of growing on the fence shall supplement any *landscaping* required pursuant to subsection (A) of this section.

D. *Landscaping* shall be planted according to KMC 18.4035.110. The *applicant* shall be required to maintain the installed *landscaping* per KMC 18.4035.120. A two-year landscape maintenance bond shall be required to be posted at

the time of permit issuance and will go into effect when the *landscaping* has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet.

E. Existing *vegetation* may be used and/or supplemented with additional *vegetation* to comply with the requirements of subsection (A) of this section.

F. The **city manager** may waive or modify the provisions for *landscaping* at the base of the *transmission support structure, alternative transmission support structure* and/or the *equipment buildings* when:

1. Existing *structures* on the *site* or the screening effects of existing *vegetation* on the *site* or along the *site* perimeter would preclude the ability to view the base of the *transmission support structure, alternative transmission support structure* or *equipment building*; or

2. The required *landscaping* is accessible to grazing animals and the animals would be better protected by placement of landscape materials within any proposed fencing or by the use of alternative *landscaping vegetation* that would not be toxic to the animals. [Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.260

Testing of wireless telecommunications facilities required – Radio frequency radiation.

A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable *FCC* regulations regarding the *radio frequency* emissions of the wireless telecommunication facility. All such tests shall be performed by or under the supervision of *radio frequency* engineer competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a *radio frequency* engineer, setting forth the following:

1. Measurement of existing or ambient *radio frequency* radiation (RFR);

2. Existing RFR plus proposed wireless telecommunication facility: maximum estimate of RFR from the proposed wireless telecommunication facility plus existing ambient RFR;

3. Existing RFR plus proposed wireless telecommunication facility plus cumulative: maximum estimate of RFR from the proposed wireless telecommunication facility plus the maximum estimate of RFR from the total addition of collocated wireless telecommunication facilities, if any, plus the existing ambient RFR; and

4. Certification, signed by a *radio frequency* engineer, stating that the RFR measurements are accurate and meet *FCC* guidelines.

C. Initial field measurements shall be performed prior to placing the wireless telecommunication facility into service and the initial compliance report shall be submitted within 14 days of the wireless telecommunication facility becoming fully operational.

D. Compliance reports shall be required to be submitted to the *city* when a facility is to be modified under *FCC* guidelines or when a *FCC* license renewal application is made.

E. The *city* may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or *applicant*. [Ord. 05-0228 § 4.]

18.60.270

Interference.

Permit applications for *communication facilities* shall include a statement, signed by a licensed professional electrical engineer, that the proposed *communications facilities* meet all federal interference rules and regulations. [Ord. 05-0228 § 4.]

18.60.280

NIER enforcement.

The *city manager* **or his designee** shall have the authority to take any necessary steps to seek *FCC* enforcement of the relevant standards, or, to the extent consistent with applicable law and *FCC* regulations, to take such other steps as may be appropriate to rectify such a violation. [Ord. 05-0228 § 4.]

18.60.290**Minor communication facilities – Time limits and establishment period.**

The building permit shall become null and void if construction of the *transmission support structure* has not begun within one year after the effective date of permit approval or if *antennas* are not installed within 180 days after construction of the *transmission support structure*. Extensions shall be allowed only in accordance with the criteria specified for building permit extensions in KMC Title 15. [Ord. 05-0228 § 4.]

18.60.300**Minor communication facilities – Cessation of use.**

An *antenna* shall be removed from a *transmission support structure* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *city's* satisfaction that the *antenna* is likely to be used again within the next six months. A *transmission support structure* for wireless communication facilities shall be removed within one year of the date the last *antenna* is removed. *Antennas* or *transmission support structures* that are not removed within the time frames described herein may be removed by the *city* or a contractor designated by the *city*, and the owner of the *antenna* or *transmission support structure* shall reimburse the *city* for its costs in removing the *antenna* or *transmission support structure*. The *city* may extend the deadlines listed in this section. Nothing herein prevents a landlord from removing *antennas* of tenants which are in default under the terms of a lease agreement. [Ord. 05-0228 § 4.]

18.60.310**Minor communication facilities – Criteria for determining technical feasibility.**

When an *applicant* is required to demonstrate that an existing, modified or replacement structure is not technically feasible for collocation, the evidence submitted to corroborate that finding may consist of any of the following:

A. No existing structures are located within the geographic area required to meet the *applicant's* proposed area of coverage.

B. Existing structures are not of sufficient structural strength to support the *applicant's* proposed *antenna* and related equipment and the cost of *modification* or replacement of an existing structure to allow collocation would equal or exceed that of the construction of the new structure.

C. Existing structures or structures modified consistent with KMC 18.60.120 would not be of sufficient height required to meet the *applicant's* proposed area of coverage or allow *microwave* connection to other *sites* operated by the *applicant*.

D. The *applicant's* proposed *antenna* would cause interference between the proposed and existing *antenna*, and that even the additional height permitted for collocations pursuant to KMC 18.60.130 would not ensure enough separation to avoid such interference. [Ord. 05-0228 § 4.]

18.60.320**Third party review.**

In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless service provider. The *city* may require such technical review, to be paid for by the *applicant* for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the *applicant* and the *city*, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the personal *wireless services*, facilities and other matters as described herein, and not a subjective review of the *site* selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *city* or other interested parties. Based on the results of the third party review, the *city* may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert. [Ord. 05-0228 § 4.]

Chapter 18.70

DEVELOPMENT STANDARDS – ANIMALS, HOME OCCUPATION, HOME INDUSTRY

Sections:

- 18.70.010 Purpose.
- 18.70.020 Animal regulations – Small animals **and household pets.**
- 18.70.025 Kennels and catteries**
- 18.70.030 Animal regulations – Livestock – Purpose.
- 18.70.040 Animal regulations – Livestock – Densities.
- 18.70.050 Animal regulations – Livestock – Farm management plans.**
- 18.70.060 Animal regulations – Livestock – Management standards.
- 18.70.070 Animal regulations – Livestock – Building requirements.
- 18.70.120 18.70.075 Animal regulations – Livestock – Setbacks – Livestock for buildings and manure storage areas.**
- 18.70.080 Animal regulations – Livestock – Education and enforcement.
- 18.70.090 Nonconformances.**
- 18.70.090 Existing livestock operations.**
- 18.70.100 Interdisciplinary teams.**
- 18.70.110 Home occupation.**
- 18.70.120 Home industry.**
- 18.70.130 Severability.**

18.70.010**Purpose.**

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of *accessory uses* or activities **involving the keeping of animals.** [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.010).]

18.70.020**Animal regulations – Small animals **and household pets.****

The raising, keeping, breeding or ~~fee~~ boarding of *small animals* **and household pets** are subject to Chapter 6.05 KMC, Animal **Care and Control**, and the following requirements:

A. **Small animals which are kept indoors as **The following household pets** in aquariums, terrariums, cages or similar containers** shall not be limited in number, except as may be provided in KMC Title 6.

1. **Household pets in aquariums, terrariums, cages or similar containers;**

2. **Cats kept indoors;**

B. **Dogs kept indoors as *household pets* shall be limited to five.**

C. **Other *small animals* excluding, including cats and dogs not kept indoors as *household pets* but excluding bees,** shall be limited to five, of which not more than three may be **unaltered cats or dogs.** **Cats kept indoors shall not be limited in numbers, as follows:**

B. **Other *small animals* kept outside, including adult cats and dogs, shall be limited to**

1. **three per household on lots of less than 20,000 square feet, in size;**

2. **five per household on lots of 20,000 to 35,000 square feet, in size;**

3. **with a** **An additional two *small animals* per acre of *site area* over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (E) of this section;** **provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby *kennel* or *cattery* or commercial *kennel* or *cattery* pursuant to Chapter 6.05 KMC**

4. **The keeping of roosters is prohibited in the city. (SIGNIFICANT CHANGE)**

5. **Mink and fox are permitted only on sites having a minimum area of five acres.**

~~C.D.~~ Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three. ~~provided, that a~~ ~~All unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 6.05 KMC.~~

~~D.~~ Animals considered to be household pets shall be treated as other small animals pursuant to subsection (E) of this section when they are kept for commercial breeding, boarding or training.

~~E. b.~~ All small animals shall be confined within a building, pen, aviary or similar structure, or a securely fenced portion of the site. ~~c.~~ Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.

~~F. a.~~ The An aviary or loft shall provide a minimum of one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

~~G.~~ A structure housing poultry, hamsters, nutria, chinchilla, or rabbits shall provide a minimum of one square foot of structure for each animal.

~~H.~~ Beekeeping is limited as follows:

~~(1.)~~ Beehives are limited to 50 on sites less than five acres;

~~(2.)~~ The number of beehives shall not be limited on sites of five acres or greater;

~~(3.)~~ Colonies shall be maintained in movable-frame hives at all times;

~~(4.)~~ Adequate space shall be provided in each hive to prevent overcrowding and swarming;

~~(5.)~~ Colonies shall be requeened following any swarming or aggressive behavior;

~~(6.)~~ All colonies shall be registered with the extension agent prior to April 1st of each year, on a state registration form acceptable to the city; and

~~(7.)~~ Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 18. ~~110125~~ KMC. Enforcement.

~~F.I.~~ Limits on the allowable number of Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use described in this section may only be exceeded on the premises of the owner, or in a kennel or cattery approved only through the approval of a conditional use permit process, subject to the following limitations:

~~1.~~ The minimum site area shall be one-half acre.

~~2.~~ Birds shall be kept in an aviary or loft that meets the following standards:

~~a.~~ The aviary or loft shall provide one half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

~~b.~~ Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall not apply in rural, forestry, or agricultural zones.

~~c.~~ The aviary is and shall be set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

~~3.~~ Small animals other than birds shall be kept according to the following standards:

~~a.~~ The minimum site area shall be one half acre if more than three small animals are being kept.

~~b.~~ All animals shall be confined within a building, pen, aviary or similar structure.

~~c.~~ Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.

~~d.~~ Structures used to house Poultry, chicken, squab, Hamsters, nutria, and chinchilla, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet; provided, that this maximum structure size limit shall not apply in rural, forestry, or agricultural zones.

~~2. e.~~ Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet; provided, that this maximum structure size limit shall not apply in rural, forestry, or agricultural zones.

~~f.~~ Mink and fox are permitted only on sites having a minimum area of five acres.

~~g.~~ Beekeeping is limited as follows:

~~(1)~~ Beehives are limited to 50 on sites less than five acres;

- (2) The number of beehives shall not be limited on sites of five acres or greater;
- (3) Colonies shall be maintained in movable frame hives at all times;
- (4) Adequate space shall be provided in each hive to prevent overcrowding and swarming;
- (5) Colonies shall be requeened following any swarming or aggressive behavior;
- (6) All colonies shall be registered with the extension agent prior to April 1st of each year, on a state registration form acceptable to the city; and
- (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 18.110 KMC, Enforcement.

18.70.025**Kennels and Catteries.**

- 2. Kennels and catteries are subject to the following requirements:
 - a. For kennels located on residential zoned sites:
 - 1. The minimum site area shall be five acres; and
 - 2. Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;
 - b. For kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight-foot solid wall or fence; and
 - c. Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of 50 feet from property lines abutting residential zones. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.020).]
 - d. See Chapter 6.05 KMC for standards related to hobby kennels or catteries.

18.70.030**Animal regulations – Livestock – Purpose.**

The primary purpose of sections KMC 18.70.040 through 18.70.100 is to support the raising and keeping of livestock in the city in a manner that minimizes the adverse impacts of livestock on the environment particularly with regard to their impacts on water quality and salmonid fisheries habitat in city of Kenmore watersheds. Maintaining and enhancing the viability of fisheries, livestock raising and farming are essential to the long term economic vitality, recreation opportunities and quality of life in rural and resource lands of the city of Kenmore. The following sections establish regulations which set livestock densities and require implementation of best management practices for minimizing non-point pollution from livestock in a manner that recognizes the need for integrated resource management within city of Kenmore watersheds. They are intended to be consistent with livestock welfare; however, these concerns are more appropriately addressed through Chapter 6.05 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.030).]

18.70.040**Animal regulations – Livestock – Densities.**

The raising, keeping, breeding or fee boarding of livestock are subject to Chapter 6.05 KMC, Animal Care and Control, and the following requirements:

- A. The minimum lot size on which large livestock may be kept shall be 20,000 square feet, provided, that the amount of site area available for use by the livestock may be less than 20,000 square feet; and provided further, that the portion of the total lot area used for confinement or grazing meets the requirements of this section.
- B. The maximum number of livestock shall be as follows:
 - 1. Commercial dairy farms in full compliance with a Washington State Department of Ecology NPDES general or special use permit – as consistent with the permit requirements. Otherwise, subsection (B)(3) of this section applies. Commercial dairies shall have five years from the adoption of this section to either comply with the state permit requirements or come into compliance with King County Ordinance 11168.
 - 2. The keeping of livestock consistent with a King County farm management plan approved prior to January 1, 2011. Otherwise subsection (B)(4) of this section applies.

23. Six resident animal units per gross acre in *stables*, barns and other *livestock* operations with covered *confinement areas*; provided, that no more than three animal units per gross acre are allowed to use uncovered grazing or *confinement areas* on a full-time basis, and the standards in KMC 18.70.060 are met ~~or a farm management plan is implemented and maintained pursuant to King County Ordinance 11168; provided further, that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards. This conditional use permit process is not required for existing operations which operate with higher densities, provided the standards in King County Ordinance 11168 are met or a farm management plan is implemented for such operations.~~

24. ~~a.~~ For all *large livestock* not covered by subsections ~~(A)(1) (B)(2) or (A)(2B)(3)~~ of this section, three animal units per gross acre of vegetated *site area*; provided, that the standards in KMC 18.70.060 are met ~~or a farm management plan is implemented and maintained pursuant to King County Ordinance 11168;~~

~~b.~~ If subsection (A)(3)(a) is not met, one animal unit per two acres of vegetated area; provided, that the standards for storage and handling of manure, as set out in KMC 18.70.060(D), are met.

45. For purposes of these regulations, an animal unit shall consist of one adult horse or bovine, two ponies, five *small livestock*, or equivalent thereof (excluding sucklings); provided, that miniature horses and feeder calves (up to one year of age) shall be considered *small livestock*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.040).]

18.70.050

~~Animal regulations – Livestock – Farm management plans.~~

~~A. To achieve the maximum density allowances using a farm management (conservation) plan, the plan must be developed according to the following criteria:~~

~~1. The plan must be developed by the city of Kenmore, unless the livestock oversight committee certifies other qualified persons or companies to prepare such plans.~~

~~2. The plan shall require site specific management measures for minimizing non point pollution from agricultural activities including but not limited to:~~

~~a. Livestock watering, wetland and stream corridor management;~~

~~b. Grazing and pasture management;~~

~~c. Confinement area management;~~

~~d. Manure management.~~

~~3. The plan shall be implemented within a timeframe established in the plan and maintained such that non point pollution attributable to livestock keeping is minimized.~~

~~4. A monitoring plan shall be developed as part of the farm management plan, and implemented to demonstrate no significant impact to water quality and salmonid fisheries habitat. Monitoring data shall be available to the livestock oversight committee.~~

~~B. Farm management plans (FMPs) shall, at a minimum:~~

~~1. Generally seek to achieve a 25 foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all Class 1 and 2 streams and any naturally occurring pond and the wetland edge of any Class 1 or 2 wetland on the site, using buffer averaging where necessary to accommodate existing structures. No buffer for Class 1 or 2 streams shall be less than 10 feet. The plan must include best management practices which avoid having manure accumulate in or within 10 feet of Class 3 streams; provided, that forested lands being cleared for grazing areas shall comply with the critical areas ordinance setbacks for Class 1, 2 and 3 streams and Class 1 and 2 wetlands.~~

~~2. Assure that drainage ditches on the site do not channel animal waste to such streams and wetlands.~~

~~3. Achieve an additional 20 foot buffer downslope of any confinement areas within 200 feet of Class 1 and 2 streams. This requirement may be waived for existing confinement areas on lots of 2.5 acres or less in size if:~~

~~a. A minimum buffer of 25 feet of diverse, mature vegetation is achieved;~~

~~b. Manure within the confinement area is removed daily during the winter season (October 15th to April 15th), and stored per KMC 18.70.060(D);~~

~~c. Additional BMPs, as recommended by the city, are implemented and maintained.~~

~~4. Include a schedule for implementation.~~

~~C. A copy of the final plans shall be provided to the city clerk within 60 days of completion.~~

~~D. The completed plan may be appealed to the hearing examiner pursuant to the provisions of KMC 19.30.060. The appeal must be filed within 30 days of being received by the clerk. Appeals may be filed only by the property owner or~~

four members of the livestock oversight committee. Any plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of KMC 13.45.040. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.045).]

18.70.060

Animal regulations – Livestock – Management standards.

Property owners with farms containing *large livestock* at densities greater than one animal unit per two acres, and/or *small livestock* at densities greater than five animals per acre ~~are not required to follow an FMP if said owners shall~~ adhere to the following management standards. This section shall apply as long as farm practices do not result in violation of any federal, state or local water quality standards ~~or the critical area regulations in KMC Chapter 18.55.~~

A. Livestock Watering. ~~Wetland and Stream Corridor Management.~~ To minimize *livestock* access to *streams*, property owners shall utilize the following livestock watering options:

1. The preferred option shall be a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the *stream* so that *livestock* are not required to enter *streams* for their water supply.

2. *Livestock* access to ~~Class 1 and 2~~ *streams* and their *buffers* shall be limited to *stream* crossing and watering points ~~approved under the provisions of KMC Chapter 18.55 which have been addressed by a crossing or watering point plan designed to city specifications which shall prevent free access along the length of the streams.~~

a. Fencing shall be used as necessary to prevent *livestock* access to ~~Class 1 and 2~~ *streams*, ~~wetlands and their buffers.~~

b. Bridges may be used in lieu of stream crossings; provided, that piers and abutments shall not be placed within the ordinary high water mark or top of bank, whichever is greater. Bridges shall be designed to allow free flow of floodwaters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a city building permit; provided, that such permit waiver shall not constitute any assumption of liability by the city with regard to such bridge or its placement. The waiver of city building permit requirements does not constitute a waiver from other required agency permits.

B. Grazing and Pasture Management.

1. Existing grazing areas not addressed by Chapter 18.55 KMC shall maintain a vegetative buffer of 50 feet from any naturally occurring pond, wetland edge of a Class 1 or 2 wetland (except those wetlands meeting the definition of grazed wet meadows), or the ordinary high water mark of a Class 1 or 2 stream.

2. Forested lands being cleared for grazing areas shall comply with the critical areas ordinance setbacks for Class 1, 2 and 3 streams, and Class 1 and 2 wetlands.

3. The grazing area buffer may be reduced to 25 feet where a 25 foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when forested lands are being cleared for grazing areas.

4. Fencing shall be used to establish and maintain ~~the critical areas and their buffers.~~

5. Fencing installed prior to the effective date of the ordinance codified in this section August 31, 1998 at setbacks other than those specified in subsections (B)(1) and (B)(2) of this section KMC Chapter 18.55 shall be deemed to constitute compliance with those requirements.

6. Grazing areas within 200 feet of a ~~Class 1 or 2~~ *stream* or wetland shall not be plowed during the rainy season (October 1st through April 15th).

7. Grazing areas may extend to the property line; provided, that ~~Class 1 or 2~~ *streams* and wetlands adjacent to the property line are buffered in accordance with subsections (B)(1), (B)(2) or (B)(3) of this section KMC Chapter 18.55.

C. Confinement Area Management.

1. In addition to the ~~buffers in subsections (B)(1) and (B)(2) of this section, e~~ *confinement areas* located within 200 feet of any ~~Class 1 or 2~~ *streams*, wetlands or drainageways shall:

a. Have a 20-foot wide vegetative filter strip downhill from the *confinement area*, consisting of heavy grasses or other ground cover with high stem density and which may also include *tree cover*;

b. Not be located in any Class 1 or 2 stream or wetland buffer area required by the critical areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any Class 1 or 2 wetland or the ordinary high water mark of any Class 1 or 2 stream. Fencing shall be used to establish and maintain the buffer. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of the ordinance codified in this section; provided further, that the footprint of existing buildings need not be so modified;

- eb.** Have roof drains of any *buildings* in the *confinement area* diverted away from the *confinement area*.
2. *Confinement areas* may extend to the property line; provided, that *streams* and *wetlands* adjacent to the property line are buffered in accordance with **subsection (C)(1) of this section KMC Chapter 18.55**.

D. Manure Management.

1. Manure storage areas shall be managed as follows:
 - a. Surface flows and roof runoff shall be diverted away from manure storage areas.
 - b. During the winter months (October 15th to April 15th), all manure stockpiled within 200 feet uphill of any **Class 1 or 2 stream or wetland** shall be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle or other facility designed to prevent leachate from reaching any *streams* or **any Class 1 or 2 wetlands**. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made.
 - c. Manure shall be stored in a location that avoids having runoff from the manure enter *streams* or *wetlands*. Manure piles shall not be **closer than 50 feet uphill from any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor located within any stream or wetland buffer.**
2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.
- E. Noxious Weeds. None of these standards shall preclude the removal of noxious weeds; provided, that such removal is achieved without the use of chemicals or mechanical methods which would be damaging to stream banks or other vegetation in the buffer.**
- F. For purposes of this section, "buffer maintenance" means allowing vegetation in the buffer which provides shade for the stream or acts as a filter for stormwater entering the stream, other than noxious weeds, to grow to its mature height; provided, that grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted pursuant to the critical areas ordinance, with the appropriate permits.**
- G. Properties which have existing fencing already installed at distances other than those specified in these standards, and for which farm management plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards.**
- H. Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.060).]**

18.70.070

Animal regulations – Livestock – Building requirements.

- A. In residential zones, free boarding of *livestock* other than in a legally established *stable* shall only be as an *accessory use* to a residence **on** the subject property.
- B. A barn or *stable* may contain a caretaker's *accessory living quarters* under the following conditions:
 1. Only one accessory living quarter per primary detached *dwelling unit*;
 2. The accessory living quarter shall not exceed 500 square feet; and
 3. The *structure* must be constructed in conformance with the State Building Code.
- C. A barn or *stable* may contain a caretaker's *accessory dwelling unit* as allowed pursuant to the provisions of this title relating to *accessory dwelling units*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.062).]

18.30.12070.075

Animal regulations – Livestock - Setbacks – Livestock buildings and manure storage areas.

- A. The minimum interior *setback* for any *building* used to house, confine or feed swine shall be 90 feet.
- B. The minimum interior *setback* for any *building* used to house, confine or feed any other *livestock* shall be 25 feet.
- C. The minimum interior *setback* for any manure storage area shall be 35 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.122).]

18.70.080**Animal regulations – Livestock – Education and enforcement.**

A. Education. Enforcement of these *livestock* standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions, and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in KMC 13.45.030, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.

B. Both the property owner and any renter or lessee of the property, hereinafter referred to “livestock operator”, shall be held responsible for compliance with these standards.

C. Prima Facie Evidence. Establishment and adherence to a farm management plan or the management standards provided by KMC 18.70.060 shall be prima facie proof of compliance with the regulatory provisions of KMC 13.45.040.

D. Violations of Specific Standards. The *city* shall be responsible for enforcement of the standards set out in this chapter. The *city* shall be responsible for enforcement of water quality violations pursuant to Chapter 13.45 KMC for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of noncompliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of KMC 18.70.060 ~~or establish a farm management plan as the owner and/or livestock operator may elect for the purpose of compliance.~~ Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the *city*, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.066).]

18.70.090**Nonconformances.**

~~Animals being lawfully kept prior to (adoption date of the ordinance) shall be allowed to remain until they are sold, moved, or have lived out their life. The city shall notify property owners regarding any known nonconforming animals so that they will not be replaced or their numbers increased following this date. Owners of nonconforming animals also shall be subject to the management practices of this chapter.~~

18.70.090**Existing livestock operations.**

~~All existing livestock operations shall either implement a farm management plan or meet the management standards in KMC 18.70.060, within five years of the adoption date of this title; existing buildings are exempt from this provision. State standards for fecal coliform, turbidity, and nutrients must be met within five years from the date of adoption of the ordinance codified in this chapter. The metropolitan services department/water quality division shall monitor stream systems for progress in meeting this goal, and report annually to the council. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.070).]~~

18.70.100**Interdisciplinary teams.**

~~In order to ensure that livestock standards and management plans are customized as much as possible to the stream conditions in each of the various streams, the city manager will, in cooperation with the Washington State Department of Fisheries and the Muckleshoot Indian Tribe, establish interdisciplinary teams consisting of three members each, with expertise in fisheries, water quality and animal husbandry, to make specific recommendations to the conservation district and livestock owners adjacent to the streams with regard to buffer needs throughout the parts of each stream which have livestock operations adjoining such streams. The teams shall take into account the recommendations of the adopted basin plans, and shall work with the stream steward for the stream being evaluated to develop the recommendations. The recommendations shall be reported to the livestock oversight committee, which shall assist in~~

the dissemination of the recommendations to owners in the basin. These teams shall work initially on those stream systems in which specific problems have been identified and are believed to be livestock related: Newaukum Creek, Soos Creek, the Upper Green River and Bear Creek. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.075).]

Chapter 18.73

ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

18.73.100 Accessory dwelling units.

18.793.110 Home occupation.

18.793.120 Home industry.

18.793.130 Severability.

18.73.100

7.a. Accessory dwelling units.

- A.(1) Only one accessory dwelling is allowed per primary single detached dwelling unit;
- B.(2) An accessory dwelling unit is allowed only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;
- C.(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;
- D.(4)
 - 1.(a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and
 - 2.(a) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
 - 3.(a) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;
 - E.(5) One additional off-street parking space shall be provided;
 - F.(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;
 - G.(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;
 - (8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;
 - (9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and
 - H.(10) The total number of occupants in the principal dwelling unit and the ADU accessory dwelling unit combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC 18.20.1010.

18.793.110

Home occupation. BEING REVISED THROUGH ANOTHER PROJECT

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

- A. The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;

- B. In ~~urban~~ residential zones, all the activities of the *home occupation*(s) shall be conducted indoors, except for those related to growing or storing of plants used by the *home occupation*(s);
- C. No more than one nonresident shall be employed by the *home occupation*(s);
- D. The following activities shall be prohibited in ~~urban~~ residential zones only:
 - 1. Automobile, truck and *heavy equipment* repair;
 - 2. Autobody work or painting;
 - 3. Parking and storage of *heavy equipment*; and
 - 4. Storage of building materials for use on other properties;
- E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:
 - 1. One stall for a nonresident employed by the *home occupation*(s); and
 - 2. One stall for patrons when services are rendered on-site;
- F. Sales shall be limited to:
 - 1. Mail order sales; and
 - 2. Telephone sales with off-site delivery;
- G. Services to patrons shall be arranged by appointment or provided off-site;
- H. The *home occupation*(s) may use or store a vehicle for pickup of materials used by the *home occupation*(s) or the distribution of products from the *site*, provided:
 - 1. No more than one such vehicle shall be allowed;
 - 2. Such vehicle shall not park within any required *setback* areas of the *lot* or on adjacent *streets*; and
 - 3. Such vehicle shall not exceed a weight capacity of one ton;
- I. The *home occupation*(s) shall not use electrical or mechanical equipment that results in:
 - 1. A change to the occupancy type of the *structure*(s) used for the *home occupation*(s);
 - 2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 - 3. Fluctuations in line voltage off-premises; and
- J. Uses not allowed as *home occupations* may be allowed as a *home industry* pursuant to Chapter 18.7~~93~~ KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.080).]

18.7~~93~~.120

Home industry. BEING REVISED THROUGH ANOTHER PROJECT

- A resident may establish a *home industry* as an accessory activity, provided:
 - A. The *site area* shall be no less than one acre;
 - B. The area of the *home industry* shall not exceed 50 percent of the floor area of the *dwelling unit*. Areas within attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home industry* area but may be used for storage of goods associated with the *home occupation*;
 - C. No more than four nonresidents shall be employed in a *home industry*;
 - D. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:
 - 1. One stall for each nonresident employee of the *home industry*; and
 - 2. One stall for customer parking;
 - E. Additional customer parking shall be calculated for areas devoted to the *home industry* at the rate of one stall per:
 - 1. One thousand square feet of *building* floor area; and
 - 2. Two thousand square feet of outdoor work or storage area;
 - F. Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;
 - G. Ten feet of Type I *landscaping* shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and
 - H. The ~~zoning adjustor~~city manager shall ensure compatibility of the *home industry* by:
 - 1. Limiting the type and size of equipment used by the *home industry* to those which are compatible with the surrounding neighborhood;
 - 2. Providing for *setbacks* or screening as needed to protect adjacent residential properties;
 - 3. Specifying hours of operation;
 - 4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels which may be excessive. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.090).]

18.77.130

Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.200).]

Chapter 18.77

AFFORDABLE HOUSING

Sections:

- 18.77.010 Affordable housing – Purpose and intent.
- 18.77.020 Applicability.
- 18.77.030 Requirements.

18.77.010

Affordable housing – Purpose and intent.

The purpose of this chapter is to implement, through regulations, the responsibility of the *city* under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the *city*. The *city* recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income. [Ord. 03-0175 § 47.]

18.77.020

Applicability.

The provisions of this chapter shall apply to multifamily residential *developments* proposed on property four acres or greater in size within the downtown residential or downtown commercial zones that lie west of NE 68th Avenue NE, and which are providing for more than 20 *multiple family dwelling units*. [Ord. 03-0175 § 47.]

18.77.030

Requirements.

A. Affordable housing units amounting to 25 percent of the total number of units in the *development* shall be provided. Rents shall be affordable to those who make equal to or less than 50 percent of the King County median income; or

B. In lieu of meeting the requirements of subsection (A) of this section, a comparable level of benefit may be provided as determined by the *city*; for example, providing ownership housing affordable to those earning equal to or less than 80 percent of the median income at rates recognizing the difficulty in providing the units at the particular affordability level.

C. Unit size mix shall be comparable to the market mix, units shall be integrated into the whole *development*, and affordable units shall match the tenure of the whole *development*, unless otherwise authorized by the *city*.

D. Subject to *city* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, or regional business zone. Units may be either rented or sold. Off-site affordable housing may be provided if the *city* finds that:

1. The location chosen does not lead to undue concentration of affordable housing in any particular area of the *city*; and
2. The *site* is within close proximity to employment opportunities and/or transit services; and
3. Adequate infrastructure and municipal services can be provided.

E. Monthly rents, including utilities where applicable, shall be no greater than 30 percent of the monthly income for households earning 50 percent of the King County median income adjusted for household size. Sold units shall be sold to buyers earning equal to or less than 80 percent of the King County median income. Home prices considered affordable shall be determined by the *city*. Covenants shall be established which guarantee the fulfillment of this obligation. [Ord. 03-0175 § 47.]

Chapter 18.80

GENERAL PROVISIONS RESIDENTIAL DENSITY INCENTIVES

Sections:

- 18.80.010 Purpose.
- 18.80.020 Permitted locations of residential density incentives.
- 18.80.030 Maximum densities permitted through residential density incentive review.
- 18.80.040 Public benefits and density incentives.
- 18.80.050 Rules for calculating total permitted dwelling units.
- 18.80.060 Review process.
- 18.80.070 Minor adjustments in final site plans.
- 18.80.080 Applicability of development standards.
- 18.80.090 Transfer rules.

18.80.010

Purpose.

The purpose of this chapter is to provide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of *sites* containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment. [Ord. 03-0175 § 48; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.010).]

18.80.020

Permitted locations of residential density incentives.

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

- A. In R-4 through R-24 and downtown residential zones; and
- B. In DC, NB, CB, and RB zones when part of a *mixed use development*. [Ord. 03-0175 § 49; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.020).]

18.80.030

Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the *development site*. [Ord. 03-0175 § 50; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.030).]

18.80.040

Public benefits and density incentives.

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

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

C. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the council in the consolidated housing and community development plan.

D. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of development density credit (TDC)* process by providing any of the *open space, park site* public benefits set forth in subsections (EE)(2) or (EE)(3) of this section on *sites* other than that of the RDI *development*.

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

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

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.	2.0 bonus units per benefit unit.
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.	1.0 bonus unit per benefit unit.

BENEFIT	DENSITY INCENTIVE
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the <i>site</i> that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the city of Kenmore shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the city of Kenmore on both buyer eligibility and housing prices.	2.0 bonus units per benefit unit.
f. Benefit units consisting of <i>mobile home park</i> space or pad reserved for the relocation of an insignia or noninsignia <i>mobile home</i> , that has been or will be displaced due to closure of a <i>mobile home park</i> located in the city of Kenmore.	1.0 bonus unit per benefit unit.
2. OPEN SPACE, TRAILS AND PARKS	
a. Reserved for future parks, trails, and open space bonus system revisions.	
b. Interim Bonus System.	

BENEFIT	DENSITY INCENTIVE
ii. Dedication of <i>park</i> site or <i>trail</i> right-of-way meeting the city of Kenmore location and size standards for neighborhood, community or regional <i>park</i>, or <i>trail</i>, and accepted by the parks division/department.	0.5 bonus unit per acre of <i>park</i> area or quarter-mile of <i>trail</i> exceeding the minimum requirement of Chapter 18.3530 KMC for on-site recreation space or <i>trail</i> corridors, computed on the number of <i>dwelling units</i> permitted by the site's base density.
iii. Improvement of dedicated <i>park</i> site to city of Kenmore standards for developed <i>parks</i>.	0.75 bonus unit per acre of <i>park</i> improvement. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
iii. Improvement of dedicated <i>trail</i> segment to city of Kenmore standards.	1.8 bonus units per quarter-mile of <i>trail</i> constructed to city standard for pedestrian <i>trails</i>; or 2.5 bonus units per quarter-mile of <i>trail</i> constructed to city standard for multipurpose <i>trails</i> (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
iv. Dedication of <i>open space</i>, meeting city of Kenmore acquisition standards to the city or a qualified public or <i>private</i> organization such as a nature conservancy.	0.5 bonus unit per acre of <i>open space</i>.

[Ord. 03-0175 § 51; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.040).]

18.80.050

Rules for calculating total permitted *dwelling units*.

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

DUs allowed by +	Bonus DUs	DUs allowed by	TOTAL
	+	=	RDI
RDI site base		sending site	DUs
Density		density (if any)	

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

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter 18.30 KMC;

2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC 18.80.040;
3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;
4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;
5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down; and
6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units in KMC 18.30.180. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.050).]

18.80.060**Review process.**

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

1. For the purpose of this section, a primary proposal is defined as a proposed subdivision, *short subdivision of more than four lots*, *conditional use permit* or commercial building permit.
2. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;
3. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be subject to the decision criteria for *conditional use permits* outlined in Chapter 18.95.115 KMC and to the procedures set forth for *director/city manager/adjutor/hearing examiner* review in this title; and
4. The notice for the RDI proposal also shall include the *development's* proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.060).]

18.80.070**Minor adjustments in final site plans.**

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

- A. Increase the number of *dwelling units*;
- B. Decrease the amount of perimeter *landscaping* (if any);
- C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);
- D. Locate *structures* closer to any *site* boundary line; or
- E. Change the locations of any points of ingress and egress to the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.070).]

18.80.080**Applicability of development standards.**

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

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

1. When 75 percent or more of the units in the RDI *development* consists of *townhouses* or *apartments*, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapter 18.40.35 and 18.57 KMC for *townhouse* or *apartment* projects.
2. When less than 75 percent of the units in the RDI consists of *townhouses* or *apartments*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapter 18.40.35 and 18.57 KMC for *townhouses* or *apartments* on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapter 18.4035 and 18.57 KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapter 18.4035 and 18.57 KMC.

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

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *direct city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. Market rate/bonus units at levels consistent with Chapter 18.4540 KMC; and

b. Benefit units at:

i. One or two bedrooms: one *parking space* per unit;

ii. Three bedrooms: 1.5 *parking spaces* per unit;

iii. Parking may be further reduced if a parking demand analysis is provided per KMC 18.4540.030(B).

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

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter 18.3530 KMC.

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

a. Market rate/bonus units at levels consistent with Chapter 18.3530 KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units. [Ord. 03-0175 § 52; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.080).]

18.80.090

Transfer rules.

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

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

C. Density credits from one *sending site* may be allocated to more than one *receiving site*. The credit from each segment shall be allocated to a specified *receiving site*.

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

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

F. Upon submitting an application to develop a *receiving site* under the provisions of this chapter, the *applicant* shall provide evidence of ownership or full legal control of all *sending sites* proposed to be used in calculating total density on the *receiving site*. It shall be the *applicant's* responsibility, prior to application, to ascertain what form of permanent protection of the *sending site* will be acceptable to the *city*.

G. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a completed and recorded land dedication or conservation easement.

H. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.36.050).]

Chapter 18.100

(MOVE ENTIRE CHAPTER TO TITLE 20)

IMPACT FEES

Sections:

Article I. General

18.100.010 Findings and authority.
 18.100.020 Definitions.
 18.100.030 Assessment of impact fees.
 18.100.040 Exemptions.
 18.100.050 Credits.
 18.100.060 Tax adjustments.
 18.100.070 Appeals.
 18.100.080 Establishment of impact fee accounts.
 18.100.090 Refunds.
 18.100.100 Use of funds.
 18.100.110 Review.

Article II. Rates

18.100.120 Road impact fee.
 18.100.130 Park impact fee.
 18.100.140 Independent fee calculations.

Article III. Miscellaneous Provisions

18.100.150 Existing authority unimpaired.

Article I. General

18.100.010

Findings and authority.

The city council of the city of Kenmore (the "council") hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, and industrial development, in the city of Kenmore will create additional demand and need for public facilities in the city of Kenmore, and the council finds that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development. The city of Kenmore has conducted extensive studies documenting the procedures for measuring the impact of new developments on public facilities, has prepared the Roads Study and Parks Study, and hereby incorporates these studies into this title by reference. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this title to assess impact fees for roads and parks. The provisions of this title shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. [Ord. 01-0109 Ch. 1, § 1.]

18.100.020**Definitions.**

The following words and terms shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

B. "Building permit" means an official document or certification which is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

C. "Capital facilities plan" means the capital facilities plan element of a comprehensive plan adopted by the city of Kenmore pursuant to Chapter 36.70A RCW, and such plan as amended.

D. "City" means the city of Kenmore.

E. "Council" means the city council of the city of Kenmore.

F. "Department" means the department of community development.

G. "Development activity" means any construction, expansion, or change in the use of a building or structure that creates additional demand and need for public facilities.

H. "Development approval" means any written authorization from the city of Kenmore which authorizes the commencement of a development activity.

I. "Director" means the director of the department of community development or the director's designee.

J. "Dwelling unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.

K. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

L. "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.

M. "Gross floor area" means the total square footage of any building, structure, or use, including accessory uses.

N. "Hearing examiner" means the examiner who acts on behalf of the city in considering and applying land use regulatory codes as provided under this code. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

O. "Impact fee" means a payment of money imposed by the city of Kenmore on development activity pursuant to this title as a condition of granting development approval in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling school impact fees, or the cost of reviewing independent fee calculations.

P. "Impact fee account" or "account" means the account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to KMC 18.100.080 and 18.100.090, and comply with the requirements of RCW 82.02.070.

Q. "Independent fee calculation" means the road impact calculation, park impact calculation, and/or economic documentation prepared by a feepayer, to support the assessment of an impact fee other than by the use of the rates listed in Article II of this chapter, or the calculations prepared by the director where none of the fee categories or fee amounts in Article II of this chapter accurately describe or capture the impacts of the new development on public facilities.

R. "Interest" means the average interest rate earned in the last fiscal year by the city of Kenmore.

S. "ITE Land Use Code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the Sixth Edition of "Trip Generation".

T. "Low income housing" means (1) an owner-occupied housing unit affordable to households whose household income is less than 80 percent of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the household income is paid for housing expenses; or (2) a renter-occupied housing unit affordable to households whose income is

less than 50 percent of the King County median income, adjusted for household size, as determined by HUD, and no more than 30 percent of the household income is paid for housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the county may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. The director will make a determination of sales prices or rents that meet the affordability requirements of this section. An applicant for a low-income housing exemption may be a public housing agency, a private nonprofit housing developer, or a private developer.

U. "Occupancy permit" means the permit issued by the city of Kenmore where a development activity results in a change in use of the pre-existing structure, or the creation of a new use where none previously existed.

V. "Open space" means for the purposes of this chapter undeveloped public land that is permanently protected from development (except for the development of trails or other passive public access or use).

W. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

X. "Parks" means parks, open space, and recreational facilities, including but not limited to ball fields, golf courses, athletic fields, soccer fields, swimming pools, tennis courts, volleyball courts, neighborhood parks, community parks, and open space.

Y. "Parks study" means the "Rate Study for Impact Fees for Parks," city of Kenmore, dated May 15, 2001.

Z. "Planned unit development" or "PUD" shall have the same meaning as set forth in this code.

AA. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.

BB. "Public facilities" means the following capital facilities owned or operated by the city of Kenmore or other governmental entities: (1) public streets and roads; and (2) publicly owned parks, open space, and recreation facilities.

CC. "Residential" or "residential development" means all types of construction intended for human habitation. This shall include, but is not limited to, single family, duplex, triplex, and other multifamily development.

DD. "Road" means a right of way which enables motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

EE. "Roads study" means the "Rate Study for Impact Fees for Roads," prepared for the city of Kenmore by Henderson, Young & Company, dated December 2, 2008.

FF. "Significant past tax payment" means taxes exceeding five percent of the amount of the impact fee, and which were paid prior to the date the impact fee is assessed and were earmarked or proratable to the same system improvements for which the impact fee is assessed.

GG. "Square footage" means the square footage of the gross floor area of the development.

HH. "State" means the state of Washington.

I. "System improvements" means public facilities that are included in the city of Kenmore's capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements. [Ord. 08-0292 § 3; Ord. 03-0184 § 3; Ord. 01-0109 Ch. 1, § 2.]

19.100.030

Assessment of impact fees.

A. The city shall collect impact fees, based on the rates in Article II of this chapter, from any applicant seeking development approval from the city for any development activity within the city, where such development activity requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities.

B. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use. If no impact fee was paid for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use.

C. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the impact fee rates set forth in Article II of this chapter.

D. Applicants seeking an occupancy permit for a change in use shall be required to pay a road impact fee if the change in use triggers review under the State Environmental Policy Act, this code, or increases the trip generation by more than five percent or 10 peak hour trips.

E. Impact fees shall be assessed at the time the complete application for a building permit or occupancy permit is submitted for each unit in the development, using the impact fee rates then in effect. Except as provided in subsection (I) of this section, impact fees shall be paid at the time the building permit is issued by the city. The city shall not accept an application for a building permit if final plat, PUD, or binding site plan approval is needed and has not yet been granted by the city. Furthermore, the city shall not accept an application for a building permit unless prior to submittal or concurrent with submittal, the feepayer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.

F. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to KMC 18.100.050, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to KMC 18.100.050 setting forth the dollar amount of the credit awarded. Except as provided in subsection (I) of this section, impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued for each unit in the development.

G. Where the impact fees imposed are determined by the square footage of the development, a deposit shall be due from the feepayer at the same time that a complete application for a building permit is submitted. The deposit shall be based on an estimate, submitted by the feepayer, of the size and type of structure which will be constructed on the property. In the absence of an estimate provided by the feepayer, the department shall calculate a deposit amount based on the maximum allowable density/intensity permissible on the property. If the final square footage of the development is in excess of the initial estimate, any difference will be due prior to the issuance of a certificate of occupancy or an occupancy permit, using the rate in effect at that time. The feepayer shall pay any such difference plus interest, calculated at the interest rate which the city of Kenmore then earns. If the final square footage is less than the initial estimate, the department shall give a credit for the difference, plus interest at the interest rate which the city of Kenmore then earns.

H. Except as provided in subsection (I) of this section, the department shall not issue the required building permit or occupancy permit unless and until the impact fees set forth in Article II of this chapter have been paid in the amount that they exceed exemptions or credits provided pursuant to KMC 18.100.040 or 18.100.050.

I. For the parcels located northwest of the intersection of Northeast 181st Street and 68th Avenue Northeast, as shown on the map attached to the ordinance codified in this subsection (Ord. 07-0273):

1. The road impact fees of subsections (E) and (F) of this section shall be paid in two installments, 25 percent at issuance of building permit and 75 percent at issuance of certificate of occupancy; and

2. The deposit of subsection (G) of this section for road impact fees shall be 25 percent of the estimate. [Ord. 07-0273 § 1; Ord. 01-0109 Ch. 1, § 3.]

18.100.040

Exemptions.

A. Except as provided for below, the following shall be exempted from the payment of all impact fees:

1. Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units;

2. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs;

3. Demolition or moving of a structure;

4. Expansion of an existing structure that results in the addition of 100 square feet or less of gross floor area;

5. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 100 square feet;

6. A change in use where the increase in trip generation is less than five percent or 10 peak hour trips;

7. Any building permit application that has been submitted to the city before 5:00 p.m. the business day before the effective date of this article and subsequently determined to be a complete application, based on the information on file as of the effective date of this article;

8. Permit applications for no more than 25 percent of the total low income housing single family dwelling units in any one project and regardless of whether such project is built in phases, to a maximum of 50 low income housing single family dwelling units in any one project and regardless of whether such project is built in phases, whether occupied by owners or renters; provided, that the owner of such low income housing executes and records a covenant against the property for a period of 30 years guaranteeing that such dwelling units will continue to be used for low income housing. In the event that the development is no longer used for low income rental housing, the owner shall pay the city the impact fee from which the owner or any prior owner was exempt, plus interest at an annual rate of 10 percent. The lien shall run with the land and apply to subsequent owners for a period of 20 additional years; provided, however, that the city manager or designee shall retain the authority to increase the 25 percent threshold or the 50 unit maximum threshold provisions of this section if written findings are entered that the city can reasonably afford to pay the impact fees otherwise exempted and the proposed low income housing units satisfy a particularly critical need. Any claim for an exemption for low income owner occupied housing must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

~~B. Repealed by Ord. 03-0184.~~

~~C. Any impact fees not collected from low income housing pursuant to the exemption above shall be paid from public funds other than impact fee accounts.~~

~~D. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in KMC 18.100.070. [Ord. 03-0184 §§ 1, 2; Ord. 01-0109 Ch. 1, § 4.]~~

18.100.050

Credits.

A. A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. Included within the capital facilities plan or would serve the goals and objectives of the capital facilities plan; and

2. At suitable sites and constructed at acceptable quality as determined by the city.

B. The director shall determine if requests for credits meet the criteria in subsection (A) of this section.

C. For each request for a credit or credits the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director.

D. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he or she does not have a fiduciary or personal interest in the property being appraised.

E. The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the feepayer on a case by case basis.

F. The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the director may be providing to the feepayer, in the event that a credit is awarded.

G. After receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his or her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

H. No credit shall be given for project improvements.

I. A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments. For each request for a credit or credits for significant past tax payments for park and road impact fees, the

feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments for park and road public facilities.

J. Any claim for credit must be made no later than 20 calendar days after the submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.

K. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in KMC 18.100.070. [Ord. 01-0109 Ch. 1, § 5.]

18.100.060

Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the Roads Study and Parks Study have provided adjustments for future taxes to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in Article II of this chapter have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements. [Ord. 01-0109 Ch. 1, § 6.]

18.100.070

Appeals.

A. Any feepayer may pay the impact fees imposed by this title under protest in order to obtain a building permit. No appeal shall be permitted until the impact fees at issue have been paid.

B. Appeals regarding the impact fees imposed on any development activity may only be filed by the feepayer of the property where such development activity will occur.

C. The feepayer must first file a request for review regarding impact fees with the director, as provided herein:

1. The request shall be in writing on the form provided by the city;

2. The request for review by the director shall be filed within 14 calendar days of the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;

3. No administrative fee will be imposed for the request for review by the director; and

4. The director shall issue his or her determination in writing.

D. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision concerning the independent fee calculation which is authorized in Article II of this chapter, or the fees imposed by the director pursuant to Article II of this chapter, or any other determination which the director is authorized to make pursuant to this title, can be appealed to the hearing examiner.

E. Appeals shall be taken within 14 calendar days of the director's issuance of a written determination by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including where appropriate, the independent fee calculation.

F. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in this code. At the hearing, any party may appear in person or by agent or attorney.

G. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.

H. The hearing examiner may, so long as such action is in conformance with the provisions of this title, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded. [Ord. 01-0109 Ch. 1, § 7.]

18.100.080

Establishment of impact fee accounts.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest bearing accounts.

B. There are hereby established two separate impact fee accounts for the fees collected pursuant to this title: the roads impact account and the parks impact account. Funds withdrawn from these accounts must be used in accordance

with the provisions of KMC 18.100.100 and applicable state law. Interest earned on the fees shall be retained in each of the accounts and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the finance director shall provide a report to the council on each of the two impact fee accounts showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the city to hold the fees beyond the six year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered. [Ord. 01-0109 Ch. 1, § 8.]

18.100.090

Refunds.

A. If the city fails to expend or encumber the impact fees within six years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to KMC 18.100.080, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one year period shall be retained by the city and expended on the appropriate public facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided, that if the city has expended or encumbered the impact fees in good faith prior to the application for a refund, the director can decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the director for an offset. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. In the case of park or fire impact fees, the director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in KMC 18.100.070. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in KMC 18.100.070. [Ord. 01-0109 Ch. 1, § 9.]

18.100.100

Use of funds.

A. Pursuant to this title, impact fees shall:

1. Be used for public improvements that will reasonably benefit the new development; and
2. Not be imposed to make up for deficiencies in public facilities serving existing developments; and
3. Not be used for maintenance or operation.

B. Road impact fees may be spent for public improvements, including, but not limited to, planning, land acquisition, right of way acquisition, site improvements, necessary off site improvements, construction, engineering, architectural,

permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

C. Park impact fees may be spent for public improvements, including, but not limited to, planning for parks that will reasonably benefit the new development, land acquisition, site improvements, necessary off site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and capital equipment pertaining to park facilities.

D. Impact fees may also be used to recoup public improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

E. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. [Ord. 01-0109 Ch. 1, § 10.]

18.100.110

Review.

The fee rates set forth in Article II of this chapter may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. The fee rates shall be adjusted 12 months after the effective date of this article, or 12 months after the most recent review by the council. The council may determine the amount of the adjustment and revise the fee rates set forth in Article II of this chapter. Absent such affirmative council adjustment, the adjustment shall be 100 percent of the Consumer Price Index-W for the Seattle area, for the most recent 12-month period prior to the date of the adjustment. Subsequent fee rate changes shall be as established in the city council's annual fee resolution. [Ord. 02-0147 § 1; Ord. 01-0109 Ch. 1, § 11.]

Article II. Rates

18.100.120

Road impact fee.

The road impact fee rates in this section are generated the formula for calculating impact fees set forth in the Roads Study, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in KMC 18.100.140, exemptions in KMC 18.100.040, and credits in KMC 18.100.050, all new developments in the city will be charged the road impact fee applicable to the type of development, in an amount imposed by the city council by resolution. [Ord. 02-0139 § 1; Ord. 01-0109 Ch. 2, § 1.]

18.100.130

Park impact fee.

The park impact fee rates in this section are generated from the formula for calculating impact fees set forth in the Parks Study and the Parks and Recreation Master Plan, which are incorporated herein by reference. Except as otherwise provided for in KMC 18.100.140, Independent fee calculations; KMC 18.100.040, Exemptions; and KMC 18.100.050, Credits, all new residential developments in the city will be charged the park impact fee applicable to the type of dwelling unit, in an amount imposed by the city council by resolution. [Ord. 03-0173 § 1; Ord. 02-0139 § 1; Ord. 01-0109 Ch. 2, § 2.]

18.100.140

Independent fee calculations.

A. If in the judgment of the director, none of the fee categories or fee amounts set forth in KMC 18.100.120 or 18.100.130 accurately describe or capture the impacts of a new development on roads, parks or fire protection facilities, the department may conduct independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

B. If a fee payer opts not to have the impact fees determined according to KMC 18.100.120 or 18.100.130, then the fee payer shall prepare and submit to the director an independent fee calculation for the development activity for which

a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

C. Any feepayer submitting an independent fee calculation will be required to pay the city of Kenmore a fee to cover the cost of reviewing the independent fee calculation. The fee required by the city for conducting the review of the independent fee calculation shall be imposed by the city council by resolution, unless otherwise established by the director, and shall be paid by the feepayer prior to initiation of review.

D. While there is a presumption that the calculations set forth in the Roads Study and Parks Study are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case by case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

E. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner as set forth in KMC 18.100.070. [Ord. 02 0139 § 1; Ord. 01 0109 Ch. 2, § 3.]

Article III. Miscellaneous Provisions

18.100.150

Existing authority unimpaired.

Nothing in this title shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW. [Ord. 01 0109 Ch. 2, § 3.]

Chapter 18.75100

GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES, AND RE-USE OF FACILITIES

Sections:

- 18.75100.010 Purpose.
- 18.75100.020 Nonconformance – Applicability.
- 18.75100.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.
- 18.75100.040 Nonconformance – Abatement of illegal use, structure or development.
- 18.75100.050 Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.
- 18.75100.060 Nonconformance – Modifications to nonconforming use, structure, or site improvement.
- 18.75100.070 Nonconformance – Expansions of nonconforming uses, structures, or site improvements.
- 18.75100.080 Nonconformance – Required findings.
- 18.75100.085 Existing legal uses abandonment.
- 18.75100.087 Existing legal uses expansion.
- 18.75100.090 Nonconformance – Residences.
- 18.75100.100 Temporary use permits – ~~Uses requiring permits.~~
- 18.75100.110 Temporary use permits – Exemptions to permit requirement.
- 18.75100.120 Temporary use permits – Duration and frequency.
- 18.105.029 100.125 Temporary use permits – Decision criteria.
- 18.75100.130 Temporary use permits – Parking.
- 18.75100.140 Temporary use permits – Traffic control.
- 18.75100.150 Temporary construction buildings.
- 18.75100.160 Temporary construction residence.

18. ~~75100~~.170 Temporary mobile home for medical hardship.
 18. ~~75100~~.180 Temporary real estate offices.
 18. ~~75100~~.190 Temporary school facilities.
~~18.75.200 Re use of facilities General standards.~~
~~18.75.210 Re use of facilities Re establishment of closed public school facilities.~~
~~18.75.220 Re use of facilities Standards for conversion of historic buildings.~~

18. ~~75100~~.010

Purpose.

The purposes of this chapter are to:

- A. Establish the legal status of a *nonconformance* by creating provisions through which a *nonconformance* may be maintained, altered, reconstructed, expanded or terminated;
- B. Establish the rules for an *existing legal use* by creating provisions through which an *existing legal use* may be maintained, altered, reconstructed, expanded or terminated; ~~and~~
- C. Provide for the temporary establishment of *uses* that are not otherwise permitted in a zone ~~or that do not meet all development standards of a zone~~ and to regulate such *uses* by their scope and period of use ~~and~~;
- D. Encourage the adaptive re use of existing public facilities which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
 1. Temporary re use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re use back to a school use;
 2. Permanent re use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or
 3. Permanent re use of historic structures listed on the National Register or designated as city landmarks. [Ord. 93-0175 § 41; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.010).]

18. ~~75100~~.020

Nonconformance – Applicability.

- A. ~~With the exception of nonconforming extractive operations, a~~ All *nonconformances* shall be subject to the provisions of this chapter.
- B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 1. The requirements of the Uniform Building and Fire Codes; or
 2. The provisions of this code beyond the specific *nonconformance* addressed by this chapter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.020).]

18. ~~75100~~.030

Nonconformance – Creation, continuation, and forfeiture of nonconformance status.

Once created pursuant to KMC 18.20.1860, a *nonconformance* may be continued in a manner consistent with the provisions of this chapter. However, *nonconformance* status is forfeited if the *nonconformance* is discontinued beyond the provisions of KMC 18. ~~75100~~.050. Once *nonconformance* status is forfeited, the *nonconformance* shall not be re-established. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.025).]

18. ~~75100~~.040

Nonconformance – Abatement of illegal use, structure or development.

Any *use*, *structure* or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.040).]

18. ~~75100.050~~**Nonconformance –****Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.**

A nonconforming *use* which has been discontinued, or a nonconforming *structure* or site improvement which has been damaged or destroyed, may be re-established or reconstructed if:

A. The nonconforming *use, structure*, or site improvement which previously existed is not expanded;

B. A new *nonconformance* is not created;

C. The *use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a complete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits; and

D. Requests for extension of the period identified in subsection (C) of this section to continue the *use* or submit construction applications may be made to the ~~community development director~~*city manager* or his/her designee in writing prior to the expiration of 12-month period, and shall be treated as a Type 2 permit review. The ~~community development director~~*city manager* or his/her designee shall determine whether to grant the extension for *use* continuance or reconstruction on (i) the basis of a good faith effort by the *applicant* either to lease property or to make a complete application or pursue the fulfillment of approved *development permits* with diligence, and (ii) extenuating circumstances beyond the control of the *applicant* have caused a delay towards continuing the *use* or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a *use*, or delays in financing. [Ord. 03-0175 § 42; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.045).]

18. ~~75100.060~~**Nonconformance – Modifications to nonconforming use, structure, or site improvement.**

Modifications to a nonconforming *use, structure*, or site improvement may be reviewed and approved by the *department* pursuant to the code compliance review process of KMC 18.95.010 provided that:

A. The modification does not expand or intensify any existing *nonconformance*; and

B. The modification does not create a new type of *nonconformance*. Proposed expansions of a *nonconformance* are governed by KMC 18. ~~75100.070~~. [Ord. 03-0175 § 43; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.055).]

18. ~~75100.070~~**Nonconformance – Expansions of nonconforming uses, structures, or site improvements.**

A nonconforming *use, structure*, or site improvement may be expanded, provided the expansion does not extend beyond the original parcels at the time the *use* or *structure* or site improvements became nonconforming, only as follows:

A. The *department* may review and approve ~~pursuant to the code compliance process of KMC 18.95.010~~ an expansion of a *nonconformance* provided that:

1. The expansion shall conform to all other provisions of this title, except that the extent of the project-wide *nonconformance* in each of the following may be increased up to 10 percent:

a. Building square footage ~~(for a floor area ratio or building size nonconformance)~~;

b. *Impervious surface*;

c. Parking; or

d. Building height.

2. Unless provisions specifically indicate conditions under which full compliance with standards are required, when expansions are proposed pursuant to subsections (A), (B) or (C) of this section, the percentage (by value) of the required code compliance standards to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing *lot* and *structure* improvements up to 100 percent; the ~~reviewing official~~*city manager* shall have the authority to specify the location and phasing sequence of the required improvements which fall under this section. The percentage (by value) of the required design or development standards to be installed shall be related to the *building* or site improvement proposed by the *applicant*. For example, if parking expansions are proposed, parking lot *landscaping* requirements may be applied.

3. No subsequent expansion of the same *nonconformance* shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

4. Where an accessory *drive-through service use* is determined to be nonconforming, but expansion of the principal allowed *use* is authorized, the nonconforming accessory *drive-through service* activity may be retained along with the expanded principal allowed *use*, provided the accessory *drive-through service* meets required design standards and is not increased in size or scope.

B. A *special use permit* shall be required for expansions of a *nonconformance* within a *development* authorized by an existing *special use* or *unclassified use permit* if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A *conditional use permit* shall be required for expansions of a *nonconformance*—

1. Within a *development* authorized by an existing *planned unit development approval*; or

2. Not consistent with the provisions of subsections (A) and (B) of this section.

D. No expansion shall be approved that would allow for urban growth outside the urban growth area, in conflict with city of Kenmore comprehensive plan rural and natural resource policies and constitute impermissible urban growth outside an urban growth area. [Ord. 03-0189 § 1; Ord. 03-0175 § 44; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.065).]

18. ~~75100.080~~

Nonconformance – Required findings.

Modifications or expansions approved by the *department* shall be based on written findings that the proposed modification or expansion of a *nonconformance* located within a *development* governed by an existing *conditional use permit*, or *special use permit*, *unclassified use permit*, or *planned unit development* shall provide the same level of protection for and compatibility with adjacent land *uses* as the original land use permit approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.075).]

18. ~~75100.085~~

Existing legal uses abandonment.

A. If an *existing legal use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a complete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits, such *existing legal use* may be retained.

1. Uses identified as existing legal in the DC zone, which became vacant during the term of Moratorium Ordinance No. 02-0135 and prior to the effective date of these regulations, are considered to start their 12-month abandonment clause period as of the effective date of the DC zone regulations.

B. Requests for extension of the period identified in subsection (A) of this section to continue the use or submit construction applications may be made to the community development director or his/her designee in writing prior to the expiration of the 12-month period, and shall be treated as a Type 2 permit review. The community development director or his/her designee shall determine whether to grant the extension for use continuance or reconstruction on (i) the basis of a good faith effort by the applicant either to lease property or to make a complete application or pursue the fulfillment of approved development permits with diligence, and (ii) extenuating circumstances beyond the control of the applicant have caused a delay towards continuing the use or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a use, or delays in financing. [Ord. 03-0175 § 45.]

18. ~~75100.087~~

Existing legal uses expansion.

Uses listed as permitted “*existing legal*” uses in a zone may be rebuilt or re-established should they suffer damage. These uses may be remodeled or enlarged subject to current development code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.). Expansion may occur on original parcels containing the *use* as of the effective date of “*existing legal*” status. Expansion of *existing legal uses* may be permitted to adjacent parcels if the adjacent parcels were and are still owned or leased by the same business or residential *use* owner at the time the *use* became *existing legal*. [Ord. 03-0175 § 46.]

18. ~~75100.090~~**Nonconformance – Residences.**

Any residence nonconforming relative to use may be expanded, after review and approval ~~through the code compliance process set forth in KMC 18.95.010~~, subject to all other applicable codes besides those set forth in this chapter for nonconformances. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.085).]

18. ~~75100.100~~**Temporary use permits – ~~Uses requiring permits.~~**

~~A temporary use permit is a mechanism by which the city may permit a use to locate within the city on an interim basis, without requiring full compliance with the development standards or by which the city may permit seasonal or transient uses not otherwise permitted.~~

Except as provided by KMC 18. ~~75100.110~~, a temporary use permit shall be required for:

A. ~~Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;~~

B. ~~Uses permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency;~~ or

~~C. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.100).]~~

18. ~~75100.110~~**Temporary use permits – Exemptions to permit requirement.**

~~B. A.~~ Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

~~A. B.~~ The following uses shall be exempt from requirements for a temporary use permit when located in the RB, CB, ~~DC, PSP, P,~~ or NB zones for the time period specified below:

1. Uses not to exceed a total of 30 days each calendar year:

- a. Christmas tree lots; and
- b. Produce stands.

2. Uses not to exceed a total of 14 days each calendar year:

- a. Amusement rides, carnivals, or circuses;
- b. Community festivals; and
- c. Parking lot sales.

C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.110).]

~~D. E. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.040).]~~

18. ~~75100.120~~**Temporary use permits – Duration and frequency.**

Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for up to 365 days after issuance by the city manager ~~or his or her designee;~~

B. The temporary use shall not exceed a total of 90 days ~~or as otherwise provided in this title;~~ provided, that this requirement applies only to the days that the event(s) authorized by the permit actually take place. ~~This time limit may be extended by the city council following a public hearing on the proposal.~~

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 06-0249 § 1; Ord. 99-0052 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.120).]

18.105.020.100.125**Temporary use permits – Decision criteria.**

A temporary use permit shall be granted by the *city*, only if the *applicant* demonstrates that:

A. The proposed temporary use will not be materially detrimental to the public welfare;

B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation; and

C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;

D. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and

E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.020).]

18.75100.130**Temporary use permits – Parking.**

Parking and access for proposed temporary uses shall be approved by the *city*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.130).]

18.75100.140**Temporary use permits – Traffic control.**

The *applicant* for a proposed temporary use shall provide any parking/traffic control attendants as specified by the *city of Kenmore police department*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.140).]

18.75100.150**Temporary construction buildings.**

Temporary structures for storage of tools and equipment, or for supervisory offices may be permitted for construction projects; provided, that such structures are:

A. Allowed only during periods of active construction; and

B. Removed within 30 days of project completion or cessation of work. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.150).]

18.75100.160**Temporary construction residence.**

A. A *mobile home* ~~motor home, travel trailer, or truck camper~~ may be permitted on a *lot* as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the *site* has been obtained ~~and adequate provisions are made for utility services, including potable water and waste water disposal.~~

B. The temporary ~~mobile home~~ construction residence permit shall be effective ~~for a period of 12 months as long as the building permit for the permanent dwelling on the site is active.~~ The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.

C. The ~~mobile home~~ temporary construction residence shall be removed within 90 days of:

1. The expiration of the ~~temporary mobile home permit building permit for the permanent dwelling on the site;~~

or

2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.160).]

18.75100.170**Temporary mobile home for medical hardship.**

A. A *mobile home* may be permitted as a temporary dwelling on the same *lot* as a permanent dwelling, provided:

1. The *mobile home* together with the permanent residence shall meet the *setback*, height, building footprint, and lot coverage provisions of the applicable zone; and

2. The *applicant* submits with the permit application a notarized affidavit that contains the following:

- KMC;
- a. Certification that the temporary dwelling is necessary to provide *daily care*, as defined in Chapter 18.20 KMC;
 - b. Certification that the primary provider of such *daily care* will reside on-site;
 - c. Certification that the *applicant* understands the temporary nature of the permit, subject to the limitations outlined in subsections (B) and (C) of this section;
 - d. Certification that the physician's signature is both current and valid; and
 - e. Certification signed by a physician that a resident of the subject property requires *daily care*, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection (A) of this section.

C. The *mobile home* shall be removed within 90 days of:

- 1. The expiration of the temporary mobile home permit; or
- 2. The cessation of provision of *daily care*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.170).]

18.75.100.180

Temporary real estate offices.

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The office *use* shall be discontinued within one year of recording of a short subdivision *of four lots or less* or issuance of a final certificate of occupancy for an *apartment development*, and within two years of the recording of a formal subdivision *or short subdivision of more than four lots*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.180).]

18.75.100.190

Temporary school facilities.

Temporary school *structures* may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such *structures*:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.190).]

18.75.200

Re-use of facilities—General standards.

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.200).]

18.75.210

Re-use of facilities—Re-establishment of closed public school facilities.

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit pursuant to KMC Title 15. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.210).]

18.75.220

Re-use of facilities—Standards for conversion of historic buildings.

In order to insure that significant features of the property are protected pursuant to Chapter 2.20 KMC, the following standards shall apply to conversion of historic buildings:

- A. Gross floor area of building additions or new buildings required for the conversion shall not exceed 20 percent of the gross floor area of the historic building, unless allowed by the zone;
- B. Conversions to apartments shall not exceed one dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and

C. Any construction required for the conversion shall require certification of appropriateness from the city of Kenmore landmark commission. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.220).]

Chapter 18.85

APPLICATION REQUIREMENTS – NOTICE METHODS

Sections:

18.85.010 – Applications – Limitations on refilling of applications.

18.85.010

Applications – Limitations on refilling of applications.

Upon denial by the council of a zone reclassification or a special use permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial. [Ord. 98-0026 §§ 1, 2 (KCC 21A.40.070).]

Chapter 18.90

COMMERCIAL SITE DEVELOPMENT PERMITS

(SIGNIFICANT CHANGE)

Sections:

18.90.010 – Purpose.

18.90.020 – Applicability.

18.90.030 – Public comments.

18.90.040 – Application of development standards.

18.90.050 – Approval.

18.90.060 – Financial guarantees.

18.90.070 – Limitation of permit approval.

18.90.080 – Modification to existing CSDP permits and triggers for new CSDP permits.

18.90.090 – Administrative rules.

18.90.010

Purpose.

The purpose of this chapter is to establish a comprehensive site review process of proposed commercial development. Commercial development includes new multifamily (three new residential units or more excluding accessory dwelling units), commercial, office, institutional (excluding relocatable facilities for schools), mixed use, new minor communication facility transmission support structures and/or towers, or industrial development. This will result in a permit which can combine any or all of the following:

A. Site development requirements specified prior to building and/or grading permit applications.

B. Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.

C. Site development coordination and project phasing occurring over a period of years.

D. Evaluation of commercially and industrially zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.010).]

18.90.020

Applicability.

A. An application for commercial site development permit may be submitted for commercial development projects on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

B. A commercial site development permit is separate from and does not replace other required permits, including, but not limited to, conditional use permits or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits.

C. Prior to the issuance of other required permits, including, but not limited to, a building, mechanical, plumbing or electrical permit application, all applicants for commercial development projects must apply for and receive a commercial site development permit for:

1. New commercial development as described in KMC 18.90.010;

2. Proposed expansion of commercial development (floor area and/or building footprint), tenant improvement, or change in use for sites with an existing CSDP when such changes are determined by the director of community development to be a major modification as described in KMC 18.90.080;

3. Proposed expansion of commercial development (floor area and/or building footprint), tenant improvement, or change in use for sites without an existing CSDP when such changes are determined by the director of community development to be a major modification as described in KMC 18.90.080.

D. In the event of any question, the director of community development shall be responsible for determining the applicability of a commercial site development permit, and how the commercial site development permit shall be processed in conjunction with other applicable permits. [Ord. 04-0202 § 1; Ord. 99-0052 § 1; Ord. 98-0026 §§ 1, 2, 12 (KCC 21A.41.020).]

18.90.030

Public comments.

A CSDP shall be processed in accordance with noticing requirements for a Type 2 land use decision as outlined in Chapter 19.25 KMC. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.050).]

18.90.040

Application of development standards.

An application for commercial site development permit shall be reviewed pursuant to all adopted city codes and regulations.

Lot based standards, such as internal circulation, landscaping, signage and setback requirements, are typically applied to each individual lot within the site. However, the director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot based regulations shall not be waived altogether.

The director of community development may modify lot-based or lot-line requirements contained within the building, fire and other similar uniform codes adopted by the city; provided, the site is being reviewed concurrently with a binding site plan application. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.060).]

18.90.050

Approval.

A. The director of community development may approve, deny, or approve with conditions an application for a commercial site development. The decision shall be based on the following factors:

1. Conformity with adopted city and state rules and regulations in effect on the date the complete application was filed, including but not limited to those listed in KMC 18.90.040.

2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title.

B. Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered.

C. Approval of the proposed commercial site development shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes listed in KMC Title 15 regulating construction.

D. The director shall mail a copy of the decision to the applicant and any other person who has presented written comment to the department. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.070).]

19.90.060**Financial guarantees.**

Performance guarantees consistent with the provisions of KMC Title 21 may be required to assure that development occurs according to the approved plan. [Ord. 04 0202 § 1; Ord. 98 0026 §§ 1, 2 (KCC 21A.41.080).]

19.90.070**Limitation of permit approval.**

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

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

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

1. Initial building permits have not been submitted or the project has not been completed due to causes beyond the applicant's control, such as litigation, acts of God, unanticipated site conditions or adverse economic market conditions;

2. The applicant has shown a good faith effort to commence or complete the project within the time previously allotted;

3. Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The director of community development has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and

4. The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts. [Ord. 04 0202 § 1; Ord. 02 0157 § 1; Ord. 98 0026 §§ 1, 2 (KCC 21A.41.100).]

19.90.080**Modification to existing CSDP permits and triggers for new CSDP permits.**

The determination of the community development director of whether changes are considered minor or major changes is a Type 1 decision under Chapter 19.25 KMC with no further administrative appeal.

A. Minor modifications to an existing CSDP or minor changes to commercial projects which do not have a CSDP may be approved administratively by the director of community development as a Type 1 decision under Chapter 19.25 KMC with no further administrative appeal. Minor modification decisions are issued prior to issuance of subsequent permits, including, but not limited to, building, mechanical, electrical or plumbing permits. Minor modifications are those changes which do not trigger any of the thresholds for major modifications as identified in subsection (B) of this section.

For an existing CSDP, it is a minor modification if the director of community development makes a finding that the conditions identified as part of the original SEPA or other permit processes remain appropriate to address project impacts as a result of proposed changes. The director of community development has the authority to establish additional conditions designed to address incremental changes in project impacts.

B. Major modifications to an existing CSDP or changes to commercial projects which do not have a CSDP shall require application for a new CSDP according to the laws and rules in effect at the time of application. A modification is considered major if it triggers any of the following:

1. For an existing CSDP, approval of cumulative minor modifications may be determined to be a major modification if conditions identified as part of the original SEPA or other permit processes are no longer appropriate to address project impacts as a result of proposed changes.

2. An increased level of drainage review per the adopted 1998 King County Surface Water Design Manual (Chapter 13.35 KMC) or as subsequently amended by the city of Kenmore.

3. An insufficient number of parking spaces or loading spaces.

4. A change in the number of ingress and egress points to the site.

5. An increase in the number of peak hour trips to and from the site.
6. An impact to critical areas and/or buffers.
7. An impact to shoreline setbacks and/or buffers. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.110).]

18.90.090**Administrative rules.**

The director of community development may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter. [Ord. 04-0202 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.41.120).]

Chapter 18.95

REVIEW PROCEDURES
NOTICE REQUIREMENTS

Sections:

- 18.95.010 Code compliance review—Actions subject to review.
- 18.95.020 Code compliance review—Notice requirements and comment period.
- 18.95.030 Code compliance review—Decisions and appeals.
- 18.95.040 Director review—Actions subject to review.
- 18.95.050 Director review—Decision regarding proposal.
- 18.95.060 Director review—Decision final unless appealed.
- 18.95.070 Examiner review—Zone reclassifications, urban plan developments, and special use permits.
- 18.95.080 Combined review.
- 18.95.090 Establishment of hearing rules.
- 18.95.100 Records.
- 18.95.110 Review process for high schools.
- 18.95.120 Modifications and expansions of uses or developments authorized by existing land use permits—Permits defined.
- 18.95.130 Modifications or expansions of uses or developments authorized by existing land use permits—When use now permitted outright.
- 18.95.140 Modifications or expansions of uses authorized by existing land use permits—Required findings.
- 18.95.150 Modifications and expansions—Use or development authorized by an existing planned unit development approval.
- 18.95.160 Modifications and expansions—Uses or development authorized by existing conditional use, special use, or unclassified use permits.

18.95.010**Code compliance review—Actions subject to review.**

The following actions shall be subject to administrative review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- A. Building permits;
- B. Grading permits; and
- C. Temporary use permits. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.010).]

18.95.020**Code compliance review—Notice requirements and comment period.**

A. The department shall provide posted and published notice pursuant to Chapter 18.85 KMC for temporary use permits. In addition, mailed notice pursuant to Chapter 18.85 KMC shall be provided for temporary use permits in resource zones.

B. Any written comments on applications subject to code compliance review shall be submitted within 15 days of the date of published notice or the posting date, whichever is later. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.020).]

18.95.030**Code compliance review—Decisions and appeals.**

- A. The department shall approve, approve with conditions, or deny permits based on compliance with this title and any other development condition affecting the proposal.
- B. Decisions on temporary use permits may be appealed to the hearing examiner.
- C. Permits approved through code compliance review shall be effective for the time periods and subject to the terms set out as follows:
 - 1. Building permits shall comply with KMC Title 15;
 - 2. Grading permits shall comply with KMC Title 15; and
 - 3. Temporary use permits shall comply with Chapter 18.75 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.030).]

18.95.040**Director review—Actions subject to review.**

The following actions shall be subject to the director review procedures set forth in this chapter:

- A. Applications for variances, exceptions under KMC 18.55.160 and 18.55.180 and conditional uses; and
- B. Periodic review of extractive operations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.040).]

18.95.050**Director review—Decision regarding proposal.**

- A. Decisions regarding the approval or denial of proposals subject to director review shall be based upon compliance with the required showings of Chapter 18.105 KMC.
- B. The written decision contained in the record shall show:
 - 1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
 - 2. Any conditions and limitations imposed, if the request is granted.
- C. The director shall mail a copy of the written decision to the applicant and to all parties of record.
- D. Rules. The director shall adopt rules for the transaction of business and shall keep a public record of his actions, finding, waivers and determinations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.080).]

18.95.060**Director review—Decision final unless appealed.**

- A. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to Chapter 19.30 KMC.
- B. The examiner shall review and make decisions based upon information contained in the written appeal and the record.
- C. The examiner's decision may affirm, modify, or reverse the decision of the director.
- D. As provided by KMC 19.30.250(A) and (C):
 - 1. The examiner shall render a decision within 10 days of the closing of hearing; and
 - 2. The decision shall be final unless appealed.
- E. Establishment of any use or activity authorized pursuant to a conditional use permit or variance shall occur within four years of the effective date of the decision for such permit or variance; provided, that for schools this period shall be five years. This period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.
- F. For the purpose of this section, "establishment" shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized use or activity; provided, that the conditions or improvements required by such permits are completed within the timeframes of said permits.
- G. Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.090).]

18.95.070**Examiner review—Zone reclassifications, urban plan developments, and special use permits.**

Applications for zone reclassifications, special use permits and urban plan developments shall be reviewed by the department subject to the procedures and criteria set forth in Chapter 19.30 KMC for action subject to approval by the council and notice shall be provided. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.100).]

18.95.080**Combined review.**

Proposed actions may be combined for review purposes with any other action subject to the same review process, provided:

A. Notice requirements for combined review shall not be less than the greatest individual action requirement; and

B. No permit shall be approved without prior review and approval of any required variance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.110).]

18.95.090**Establishment of hearing rules.**

The department shall establish rules governing the conduct of public hearings before the adjutor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.120).]

18.95.100**Records.**

The department shall maintain public records for all permit approvals and denials containing the following information:

A. Application documents;

B. Tape recorded verbatim records of required public hearing;

C. Written recommendations and decisions for proposed actions;

D. Ordinances showing final council actions;

E. Evidence of notice;

F. Written comments received; and

G. Material submitted as exhibits. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.130).]

18.95.110**Review process for high schools.**

A. The school district shall hold a public hearing on the request for a building permit on the proposed high school and may merge the public hearing for environmental review with this hearing. The hearing shall address the proposal's compliance with the applicable development standards and whether the impacts of traffic on the neighborhood have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and/or through the payment of road impact fees. The hearing may be conducted by the board of directors, or where authorized by board policy, by a hearing examiner appointed by the school board. The district shall provide notice of the hearing as follows:

1. By posting the property;

2. By publishing in a newspaper of general circulation in the general area where the proposed high school is located;

3. By sending notices by first class mail to owners of property in an area within 500 feet of the proposed high school, but the area shall be expanded as necessary to send mailed notices to at least 20 different property owners; and

4. By sending notices to other residents of the district that have requested notice.

B. At a regularly scheduled or special board meeting, the board of directors shall adopt findings of compliance with applicable city of Kenmore development standards, including the decision criteria outlined in Chapter 18.105 KMC, or adopt proposed actions necessary to reach compliance. If a hearing examiner has been appointed, the board of directors shall review and adopt or reject the hearing examiner's proposed findings and/or proposed actions. The board may include in the record any information supporting its findings or any information from prior public meetings held on the same general subject at the discretion of the board.

C. Copies of the findings and/or the proposed actions shall be mailed to all parties of record and to the city.

D. Any aggrieved party of record may request the board of directors to reconsider the findings within 20 calendar days of its adoption. An aggrieved party requesting reconsideration shall submit written evidence challenging the findings or otherwise specifically identify reasons why the district has failed to reasonably comply with the applicable city of Kenmore development standards or the decision criteria outlined in Chapter 18.105 KMC. Within 30 calendar days after a request for reconsideration has been filed with the district, the board of directors may reconsider and revise the findings and/or proposed actions, or may decline to reconsider. Failure to act, or to initiate the process for reconsideration by notifying the aggrieved party of record of intent to reconsider, within the 30 day period shall be deemed to constitute a decision not to reconsider.

E. The board's final findings shall be attached to the district's building permit application and shall be considered as prima facie evidence of compliance with the applicable city of Kenmore development standards. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.140).]

18.95.120

Modifications and expansions of uses or developments authorized by existing land use permits —

Permits defined.

For the purposes of this chapter, a "land use permit" shall mean a conditional use permit, special use permit, unclassified use permit, or planned unit development. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.150).]

18.95.130

Modifications or expansions of uses or developments authorized by existing land use permits —

When use now permitted outright.

Proposed modifications or expansions to a use or development authorized by an existing land use permit shall not require an amendment to the existing land use permit if the use is now permitted outright in the zone district in which it is located and shall not require findings pursuant to KMC 18.95.170. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.160).]

18.95.140

Modifications or expansions of uses authorized by existing land use permits — Required findings.

Modifications or expansions approved by the department shall be based on written findings that the proposed modifications or expansions provide the same level of protection for and compatibility with adjacent land uses as the original land use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.170).]

18.95.150

Modifications and expansions — Use or development authorized by an existing planned unit development approval.

Modifications and expansions of uses or developments authorized by an existing planned unit development approval shall be subject to the following provisions:

A. Any approved modification or expansion shall be recorded.

B. Modifications to building location and/or dimensions shall be reviewed pursuant to the code compliance process of KMC 18.95.010 only when:

1. No buildings are located closer to the nearest property line(s); and
2. No increase in square footage of buildings is proposed.

C. Modifications beyond those permitted in subsection (B) of this section and all expansions, shall be subject to the approval of a conditional use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.180).]

18.95.160

Modifications and expansions — Uses or development authorized by existing conditional use, special use, or unclassified use permits.

A. The department may review and approve, pursuant to the code compliance process of KMC 18.95.010, an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit provided that:

1. The expansion shall conform to all provisions of this title and the original land use permit, except that the project wide amount of each of the following may be increased up to 10 percent:

- a. Building square footage;
- b. Impervious surface;
- c. Parking; or
- d. Building height.

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

B. A conditional use permit shall be required for expansions within a use or development authorized by an existing conditional use permit if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A special use permit shall be required for expansions within a use or development authorized by an existing special use or unclassified use permit, if the expansions to either permit are not consistent with the provisions of subsection (A) of this section.

D. This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in KMC 18.60.130 or to modifications or expansions of nonconformances, the provisions for which are set forth in KMC 18.75.070. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.190).]

Chapter 18.82

GENERAL PROVISIONS PROPERTY SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS

Sections:

- 18.82.010 Purpose.
- 18.82.020 Authority and application.
- 18.82.030 Property specific development standards General provisions.
- 18.82.040 Special district overlay General provisions.
- 18.82.050 Special district overlay Pedestrian oriented commercial development.
- 18.82.060 Special district overlay Office/research park development.
- 18.82.070 Special district overlay Urban planned development (UPD) purpose and designation.
- 18.82.080 Special district overlay UPD implementation.
- 18.82.090 Special district overlay Economic redevelopment.
- 18.82.100 Special district overlay Commercial.
- 18.82.110 Special district overlay Fully contained community (FCC) purpose, designation, and implementation.
- 18.82.120 Repealed.
- 18.82.130 Special district overlay Agricultural production buffer.
- 18.82.140 Special district overlay Residential infill.
- 18.82.150 Repealed.
- 18.82.160 Special district overlay Aviation facilities.
- 18.82.170 Repealed.
- 18.82.180 Special district overlay Highway oriented development.
- 18.82.190 Repealed.
- 18.82.200 Repealed.
- 18.82.210 Repealed.
- 18.82.220 Repealed.
- 18.82.230 Special district overlay Floodplain density.

18.82.010

Purpose.

The purposes of this chapter are to provide for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:

A. Establishing authority to adopt property specific development standards for increasing minimum requirements of this title on individual sites; or

B. Establishing special district overlays with alternative standards for special areas designated by community plans or the comprehensive plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.010).]

19. 82.020

Authority and application.

A. This chapter authorizes the city to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive plan policies and map designations and community, subarea, or neighborhood plan policies through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes;

B. Property-specific development standards shall be applied to specific properties through either area zoning as provided in Chapter 19.15 KMC, or reclassifications of individual properties as provided in Chapters 18.105 and 19.15 KMC; and

C. Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in Chapter 19.15 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.020).]

19. 82.030

Property-specific development standards—General provisions.

A. Property-specific development standards, denoted by the zoning map symbol P after the zone's map symbol or a notation in the SITUS File, shall be established on individual properties through either reclassifications or area zoning. All property-specific development standards are maintained by the department of community development in the property-specific development conditions notebook. Upon the effective date of reclassification of a property to a zone with a P suffix, the property-specific development standards adopted thereby shall apply to any development proposal on the subject property subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance, and special use permit.

B. Property-specific development standards shall address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such condition(s), and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property-specific development standards are limited to:

1. Limiting the range of permitted land uses;
2. Requiring special development standards for property with physical constraints (e.g., environmental hazards, view corridors);
3. Requiring specific site design features (e.g., building orientation, lot layout, clustering, trails or access location);
4. Specifying the phasing of the development of a site;
5. Requiring public facility site dedications or improvements (e.g., roads, utilities, parks, open space, trails, school sites); or
6. Designating sending and receiving sites for transferring density credits as provided in KMC 18.80.090.

D. Property-specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.030).]

19. 82.040

Special district overlay—General provisions.

Special district overlays shall be designated on official area zoning maps and as a notation in the SITUS File, as follows:

A. A special district overlay shall be designated through the area zoning process as provided in Chapter 19.15 KMC. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlays shall be applied to land through an area zoning process as provided in Chapter 19.15 KMC and shall be indicated on the zoning map and as a notation in the SITUS File and shall be designated with the suffix "SO" following the map symbol of the underlying zone or zones;

C. The special district overlays set forth in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays set forth in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other city ordinances and regulations govern all development and land uses within special district overlays; and

F. A special district overlay on an individual site may be modified by property specific development standards as provided in KMC 18.82.030. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.040).]

19.82.050

Special district overlay—Pedestrian-oriented commercial development.

A. The purpose of the pedestrian-oriented commercial development special district overlay is to provide for high-density, pedestrian-oriented retail/employment uses. Pedestrian-oriented commercial district shall only be established in areas designated within a community, subarea, or neighborhood plan as an urban activity center and zoned CB or RB, and which lie south of NE 175th Street.

B. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:

1. Motor vehicle, boat and mobile home dealer;
2. Gasoline service station;
3. Drive-through retail and service uses;
4. Car washes;
5. Retail and service uses with outside storage, e.g., lumber yards, miscellaneous equipment rental or machinery sales;
6. Wholesale uses;
7. Recreation/cultural uses as set forth in KMC 18.25.040, except parks, sports clubs, theaters, libraries and museums;
8. SIC Major Group 75 (Automotive repair, services and parking) except 7521 (automobile parking; but excluding tow-in parking lots);
9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch, clock and jewelry repair);
10. SIC Major Group 78 (Motion pictures), except 7832 (theater) and 7841 (video tape rental);
11. SIC Major Group 80 (Health services), except offices and outpatient clinics (801-804);
12. SIC Industry Group 421 (Trucking and courier service);
13. Public agency archives;
14. Self service storage;
15. Manufacturing land uses as set forth in KMC 18.25.080, except 2759 (Commercial printing); and
16. Resource land uses as set forth in KMC 18.25.090.

C. The following development standards shall apply to uses located in pedestrian-oriented commercial overlay districts:

1. Every use shall be subject to pedestrian-oriented use limitations and street facade development standards (e.g., placement and orientation of buildings with respect to streets and sidewalks, arcades or marquees) identified and adopted through an applicable community, subarea or neighborhood plan, or the area zoning process;
2. For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, the following conditions shall apply:
 - a. Main building entrances shall be oriented to the pedestrian street;
 - b. At the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way;
 - c. Building facades shall comprise at least 75 percent of the total pedestrian street frontage for a property and if applicable, at least 75 percent of the total pedestrian route frontage for a property;

- d. Minimum side setbacks of the underlying zoning are waived;
 - e. Building facades of ground floor retail, general business service, and professional office land uses that front onto a pedestrian street or route shall include windows and overhead protection;
 - f. Building facades along a pedestrian street or route, that are without ornamentation or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
 - g. Vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.
3. Floor/lot area ratio shall not exceed 5:1, including the residential component of mixed use developments, but not including parking structures;
4. Building setback and height requirements may be waived, except for areas within 50 feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;
5. The landscaping requirements of Chapter 18.40 KMC may be waived if landscaping conforms to a special district overlay landscaping plan adopted as part of the area zoning. The overlay district landscaping plan shall include features addressing street trees, and other design amenities (e.g., landscaped plazas or parks);
6. On designated pedestrian streets, sidewalk width requirements shall be increased to a range of 10 to 12 feet wide including sidewalk landscaping and other amenities. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right of way; and
7. Off street parking requirements in Chapter 18.45 KMC are modified as follows for all nonresidential uses:
- a. No less than one space for every 1,000 square feet of floor area shall be provided;
 - b. No more than 75 percent of parking shall be on site surface parking. Such parking shall be placed in the interior of the lot, or at the rear of the building it serves; and
 - c. At least 25 percent of the required parking shall be enclosed in an on-site parking structure or located at an off-site common parking facility; provided, that this requirement is waived when the applicant signs a no-protest agreement to participate in any improvement district for the future construction of such facilities. [Ord. 08-0293 § 2; Ord. 03-0175 § 54; Ord. 98-0026 §§ 1, 2 (KCC 21A.38.050).]

18.82.060

Special district overlay—Office/research park development.

- A. The purpose of the office/research park special district overlay is to establish an area for development to occur in a campus setting with integrated building designs, flexible grouping of commercial and industrial uses, generous landscaping and buffering treatment, and coordinated auto and pedestrian circulation plans. Office/research park districts shall only be established in areas designated within a community plan and zoned RB-zones. Permitted uses shall include all uses permitted in the RB-zones, as set forth in Chapter 18.25 KMC, regardless of the classification used as the underlying zone on a particular parcel of land.
- B. The following development standards shall apply to uses locating in office/research park overlay districts:
 - 1. All uses shall be conducted inside an entirely enclosed building;
 - 2. An internal circulation plan shall be developed to facilitate pedestrian and vehicular traffic flow between major project phases and individual developments;
 - 3. The standards set forth in this section shall be applied to the development as a unified site, notwithstanding any division of the development site under a binding site plan or subdivision;
 - 4. All buildings shall maintain a 50-foot setback from perimeter streets and from residential zoned areas;
 - 5. The total permitted impervious lot coverage shall be 80 percent. The remaining 20 percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable critical areas and their associated buffers;
 - 6. The landscaping standards set forth in Chapter 18.40 KMC are modified as follows:
 - a. Twenty-foot wide Type II landscaping shall be provided along exterior streets, and 20-foot wide Type III landscaping shall be provided along interior streets;
 - b. Twenty-foot wide Type I landscaping shall be provided along property lines adjacent to residential zoned areas;
 - c. Fifteen-foot wide Type II landscaping shall be provided along lines adjacent to nonresidential zoned areas; and
 - d. Type IV landscaping shall be provided within all surface parking lots as follows:

(1) Fifteen percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than 30 parking stalls;

(2) At least one tree for every four parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and

(3) No parking stall shall be more than 40 feet from some landscaping;

e. An inventory of existing site vegetation shall be conducted pursuant to the procedures set forth in Chapter 18.40 KMC; and

f. An overall landscaping plan which conforms to the requirements of this subsection shall be submitted for the entire district or each major development phase prior to the issuance of any site development, grading, or building permits;

7. Lighting within an office/industrial park shall shield the light source from the direct view of surrounding residential areas;

8. Refuse collection/recycling areas and loading or delivery areas shall be located at least 100 feet from residential areas and screened with a solid view obscuring barrier;

9. Off street parking standards as set forth in Chapter 18.45 KMC are modified as follows:

a. One space for every 300 square feet of floor area shall be provided for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, retail/service uses;

b. Parking for on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, and retail/service uses shall be no less than one space for every 1,000 square feet of floor area and no greater than one space for every 500 square feet of floor area; and

c. At least 25 percent of required parking shall be located in a parking structure; and

10. Sign standards as set forth in Chapter 18.50 KMC are modified as follows:

a. Signs visible from the exterior of the park shall be limited to one monument office/research park identification sign at each entrance. Such signs shall not exceed an area of 64 square feet per sign;

b. No pole signs shall be permitted; and

c. All other signs shall be visible only from within the park. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.38.060).]

18.82.070

Special district overlay — Urban planned development (UPD) purpose and designation.

A. The purpose of the UPD special district overlay is to provide a means for community, subarea or neighborhood plans to designate urban areas which are appropriate for development on a large scale basis;

B. In designating an overlay district, the comprehensive plan, subarea plan, neighborhood plan or area zoning shall delineate UPD overlay district boundaries;

C. The community plan, subarea plan, neighborhood plan; or area zoning shall designate and adopt urban residential zoning consistent with comprehensive plan policies;

D. In designating an overlay district, the community plan, subarea plan, neighborhood plan or area zoning may:

1. Set a maximum or range of the number of dwelling units within the UPD; and

2. Incorporate project description elements or requirements to the extent known, including but not limited to the following: conceptual site plan; mix of attached and detached housing; affordable housing goals and/or programs; major transportation or other major infrastructure programs and the UPD's participation therein; and any other provision or element deemed appropriate. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.070).]

19.82.080

Special district overlay — UPD implementation.

Implementation of the UPD designation shall comply with the following:

A. The minimum site size for an UPD permit application shall be not less than 200 acres. "Site size" for purposes of this subsection means contiguous land under one ownership or under the control of a single legal entity responsible for submitting an UPD permit application and for carrying out all provisions of the development agreement. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.080).]

19.82.090**Special district overlay—Economic redevelopment**

A. The purpose of the economic redevelopment special district overlay is to provide incentives for the redevelopment of large existing, underutilized concentrations of commercial/industrial lands within urban areas.

B. The economic redevelopment special district overlay shall only be designated through the area zoning process, located in areas designated within a community, subarea or neighborhood plan as an activity center; and zoned CB or RB.

C. The standards of this title and other city codes shall be applicable to development within the economic redevelopment special district overlay except as follows:

1. Commercial or industrial uses that exist within an area as of the effective date of legislation applying the economic redevelopment special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

2. The minimum parking requirements of this title shall be reduced as follows; provided, that such reductions do not apply to new construction on vacant property or the vacant portions of partially developed property where that construction is not an enlargement or replacement of an existing building:

a. The parking stall requirements are reduced 100 percent; provided, that:

(1) The square footage of any enlargement or replacement of an existing building does not in total exceed 125 percent of the square footage of the existing building;

(2) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on street parking; and

(3) There is no net decrease in existing off street parking space.

b. The parking stall requirements are reduced 50 percent; provided, that:

(1) The square footage of any enlargement or replacement of an existing building in total exceeds 125 percent of the square footage of the existing building;

(2) The height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(3) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved as a capital improvement project, that accommodates on street parking; and

(4) There is no net decrease in existing off street parking spaces, unless it exceeds the minimum requirements of subsection (C)(2)(b) of this section.

3. The landscaping requirements of this title shall be waived; provided, that:

a. Street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and

b. Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than 50 percent of that required by this title.

4. The setback requirements of this title shall be waived; provided, that:

a. Setback widths along any street forming a boundary of the overlay district shall comply with this title; and

b. Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than 50 percent of that required by this title.

5. The building height limits of this title shall be waived; provided, that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

6. Signage shall be limited to that allowed within the CB zone.

7. The roadway improvements of this code shall be waived, provided a no protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the city.

8. The pedestrian circulation requirements of this title shall be waived.

9. The impervious surface and lot coverage requirements of this title shall be waived.

10. Reserved.

D. For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, the following conditions shall apply:

1. Main building entrances shall be oriented to the pedestrian street;

2. At the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;

3. Building facades shall comprise at least 75 percent of the total pedestrian street frontage for a property, and if applicable, at least 75 percent of the total pedestrian route frontage for a property;
4. Minimum side setbacks of the underlying zoning are waived;
5. Building facades of ground floor retail, general business service, and professional office land uses that front onto a pedestrian street or route shall include windows and overhead protection;
6. Building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
7. Vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists. (Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.38.090).)

18.82.100

Special district overlay—Commercial

A. The purpose of the commercial special district overlay is to accommodate and support existing commercial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial lands and by permitting a range of appropriate uses consistent with maintaining the quality of nearby residential areas.

B. The commercial special district overlay shall be designated only through the area zoning process and applied to areas substantially developed with a mix of commercial and light industrial uses and zoned CB or RB.

C. The standards of this title and other city codes shall be applicable to development within the commercial special district overlay except as follows:

1. Legally established commercial uses that exist within an area as of the effective date of legislation applying the commercial/industrial special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

2. Permitted uses within the area of a commercial special district overlay shall include those uses permitted in the base zone applied therein with the exception of the following:

- a. Auction houses;
- b. Livestock sales;
- c. SIC Industry Group 201 (meat products);
- d. SIC Industry Group 202 (dairy products);
- e. SIC Industry Group 204 (grain mill products);
- f. SIC Industry Group 207 (fats and oils);
- g. Motor vehicle and boat dealers;
- h. SIC Major Group 24 (lumber and wood products, except furniture) except 2431 (millwork) and 2434 (wood kitchen cabinets);
- i. SIC Industry Group 311 (leather tanning and finishing);
- j. SIC Major Group 32 (stone, clay, glass and concrete products);
- k. SIC Industry 3999 (manufacturing industries, not elsewhere classified) dressing of furs, fur stripping and pelts only;
- l. SIC Industry 7534 (tire retreading);
- m. SIC Major Group 02 (agricultural production—livestock and animal specialties);
- n. SIC Industry 2951 (asphalt paving mixtures and blocks);
- o. Resource accessory uses; and

p. Outdoor storage of equipment or materials occupying more than 25 percent of the site associated with: SIC Major Group 15 (building construction—contractors and operative builders), SIC Major Group 16 (heavy construction other than building construction—contractors), SIC Major Group 17 (construction—special trade contractors) and SIC Industry 7312 (outdoor advertising services); provided, that such outdoor storage be visually screened from surrounding properties.

3. Uses permitted both by the base zone applied to the property and through the application of the commercial special district overlay shall be subject to the limitations on use found in the base zone in Chapter 18.25 KMC except for commercial accessory uses to which the limitations on use in the base zone shall not apply.

4. The minimum parking requirements of this title shall be reduced as follows; provided, that such reductions do not apply to new construction on vacant property or the vacant portions of partially developed property where that construction is not an enlargement or replacement of an existing building.

- a. The parking stall requirements are reduced 100 percent; provided, that:
 - (1) The square footage of any enlargement or replacement of an existing building does not in total exceed 125 percent of the square footage of the existing building;
 - (2) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and
 - (3) There is no net decrease in existing off-street parking space.
- b. The parking stall requirements are reduced 50 percent; provided, that:
 - (1) The square footage of any enlargement or replacement of an existing building in total exceeds 125 percent of the square footage of the existing building;
 - (2) The height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;
 - (3) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and
 - (4) There is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of subsection (C)(5)(b) of this section.
- 5. The landscaping requirements of this title shall be waived; provided, that:
 - a. Street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and
 - b. Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than 50 percent of that required by this title.
- 6. The setback requirements of this title shall be waived; provided, that:
 - a. Setback widths along any street forming a boundary of the overlay district shall comply with this title; and
 - b. Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than 50 percent of that required by this title.
- 7. The building height limits of this title shall be waived; provided, that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.
- 8. Signage shall be limited to that allowed within the CB zone.
- 9. The roadway improvements of this code shall be waived, provided a no protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the city.
- 10. The pedestrian circulation requirements of this title shall be waived.
- 11. The impervious surface and lot coverage requirements of this title shall be waived.
- D. The following standards shall be applicable to unincorporated activity centers as designated in the comprehensive plan and located within the commercial special district overlay:
 - 1. For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, except for gasoline service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the following conditions shall apply:
 - a. Main building entrances shall be oriented to the pedestrian street;
 - b. At the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;
 - c. Building facades shall comprise at least 75 percent of the total pedestrian street frontage for a property, and if applicable, at least 75 percent of the total pedestrian route frontage for a property;
 - d. Minimum side setbacks of the underlying zoning are waived;
 - e. Building facades of ground floor retail, general business service, and professional office land uses that front onto a pedestrian street or route shall include windows and overhead protection;
 - f. Building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
 - g. Vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists. [Ord. 08-0293 § 2; Ord. 07-0267 § 23; Ord. 98-0026 §§ 1, 2 (KCC 21A.38.100).]

18.82.110**Special district overlay—Fully contained community (FCC) purpose, designation, and implementation.**

A. The purpose of the FCC special district overlay is to provide a means to designate a limited number of areas which are uniquely appropriate for conversion to urban development on a large scale basis.

B. In designating an overlay district, the comprehensive plan and area zoning shall:

1. Delineate FCC overlay district boundaries; and

2. Ensure that surrounding properties are classified with rural residential zoning consistent with community plan and comprehensive plan policies in order to restrict future urban development in the area solely to the FCC site.

C. In designating an overlay district, the comprehensive plan and area zoning may:

1. Set a maximum or range of the number of dwelling units within the FCC; and

2. Incorporate project description elements or requirements to the extent known, including but not limited to the following: conceptual site plan; mix of attached and detached housing; affordable housing goals and/or programs; major transportation or other major infrastructure programs and FCC's participation therein; any other provision or element deemed appropriate. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.110).]

18.82.120**Special district overlay—Wetland management areas.**

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.120).]

18.82.130**Special district overlay—Agricultural production buffer.**

A. The purpose of the agricultural production buffer special district overlay is to provide a buffer between agricultural and upslope residential land uses. An agricultural production buffer special district overlay shall only be established in areas adjacent to an agricultural production district.

B. The following development standard shall apply to uses locating in an agricultural production buffer special district overlay:

1. Lots shall be clustered pursuant to KMC 18.35.040 and at least 75 percent of a site shall remain as open space, unless greater lot area is required by the Seattle King County health department. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.130).]

18.82.140**Special district overlay—Residential infill.**

A. The purpose of the residential infill special district overlay is to require the consolidation of individual parcels as a single development project when a subdivision application of one or more acres is made. A residential infill district overlay shall only be established in areas zoned R-6.

B. The following development standards shall apply to uses locating in a residential infill district overlay:

1. Recreation and open space shall be sited adjacent to any existing utility right of way corridor(s) or recreation and open space wherever feasible; and

2. Pedestrian access shall be provided to adjacent utility right of way corridor(s) as found necessary by department staff. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.140).]

18.82.150**Special district overlay—Ground water protection.**

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.150).]

18.82.160**Special district overlay—Aviation facilities.**

A. The purpose of the aviation facilities special district overlay is to protect existing noncommercial airports from encroaching residential development. An aviation facilities special district overlay shall only be established in the area up to one quarter mile around airports.

B. The following development standards shall apply to uses locating in aviation facilities special overlay districts:

On the title of all properties within pending short subdivisions or subdivisions and binding site plans, the following statement shall be recorded and be shown to all prospective buyers of lots or homes:

This property is located near the (name of airport) which is recognized as a legitimate land use by Kenmore. Air traffic in this area, whether at current or increased levels, is consistent with Kenmore land use policies provided it conforms to all applicable state and federal laws.

[Ord. 98-0026 §§ 1, 2 (KCC 21A.38.160).]

18.82.170

Special district overlay—Urban aquifer protection area.

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.170).]

19.82.180

Special district overlay—Highway-oriented development.

A. The purpose of the highway-oriented development special district overlay is to ensure the compatibility of highway-oriented land uses adjacent to rural residential and resource land uses. A highway-oriented special district overlay shall only be established along existing or former state or U.S. highway route corridors and zoned NB or RB.

B. Except in the RB zone at highway interchanges, permitted uses in the NB or RB zone shall be those in the underlying zone, excluding the following as defined by Standard Industrial Classification (SIC) number and type:

1. SIC 5812, eating places; and
2. SIC 5813, drinking places.

C. Permitted uses in the RB zone at highway interchanges shall be limited to the following highway-oriented commercial services for the traveling public, as defined by Standard Industrial Classification (SIC) number and type:

1. SIC 5411, grocery stores (including convenience stores);
2. SIC 5541, gasoline service stations;
3. SIC 5812, eating places; and
4. SIC 7011, hotels and motels.

D. The following development standards shall apply to uses located in highway-oriented overlay districts:

1. Business signs are limited to those allowed in the NB zone classification. Ground-supported signs shall not exceed five feet in height.
2. Natural vegetation shall be retained wherever possible, and landscaping shall be used for screening.
3. Primary vehicular access shall be from a principal arterial road. Secondary vehicular access shall be from a collector arterial road.
4. At the time of site plan review, the city may require additional right of way dedication to provide new roadways.
5. Utilities in RB zones shall be placed underground.
6. All uses shall be evaluated for impacts to ground water quality. [Ord. 08-0293 § 2; Ord. 07-0267 § 24; Ord. 98-0026 §§ 1, 2 (KCC 21A.38.180).]

19.82.190

Special district overlay—Erosion hazards near sensitive water bodies.

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.200).]

19.82.200

Special district overlay—Heron habitat protection area.

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.210).]

19.82.210

Special district overlay—Urban stream protection area.

Repealed by Ord. 06-0244. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.220).]

18.82.220**Special district overlay—Significant trees.**

Repealed by Ord. 04-0214. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.230).]

18.82.230**Special district overlay—Floodplain density.**

The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in critical areas to reduce potential future flooding. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.240).]

Chapter 18.105**SITE PLAN REVIEW**

(SIGNIFICANT CHANGE)

Sections:

18.105.010 Purpose.

18.105.020 Applicability.

18.105.030 Process.

18.105.040 Application of development standards.

18.105.050 Approval.

18.105.060 Limitation of permit approval.

18.105.070 Administrative rules.

18.105.010**Purpose.**

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

- A. Site development requirements specified prior to building *and/or* grading *or* engineering permit applications.
- B. Site review and application of rules and regulations generally applied to the whole *site* without regard to existing or proposed internal lot lines.
- C. Site *development* coordination and project phasing occurring over a period of years.
- D. Evaluation against specific approval criteria.
- E. Evaluation of commercially and industrially zoned property for the creation or alteration of *lots* when reviewed concurrently with a part of a binding site plan application.

18.105.020**Applicability.**

- A. An application for site plan review shall be submitted for the following *development proposals*:
 - 1. *Development* on sites identified on the city's Site Plan Review Map;
 - 2. *Development* on sites equal to or greater than three acres in size at the time of application in the PSP zone;
 - 3. *Development* proposed for *classified uses* which are neither permitted, nor conditionally permitted, nor prohibited in the P, GC or PSP zones; or
 - 4. *Development* on other sites as determined by the *city manager* after a preliminary review of the project's scope.
- B. An application for site plan review may be submitted by an applicant for any *development proposal*.
- C. A site plan review is separate from and does not replace other required land use permits. A site plan review may be combined and reviewed concurrently with other land use permits, however

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

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

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

18.105.030

Process.

A site plan review shall be processed as follows:

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

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

C. For those *sites* identified under KMC 18.105.020(A)(4), the site plan review shall be processed in accordance with requirements for a Type 2 land use decision as outlined in Chapter 19.25, unless otherwise determined by the *city manager*.

18.105.040

Application of development standards.

An application for ~~commercial site development permit~~ a site plan review shall be reviewed pursuant to all adopted *city codes and regulations*.

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

The ~~director of community development~~ *city manager* may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the *city*; provided, the *site* is being reviewed concurrently with a binding site plan application.

18.105.050

Approval.

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

1. Conformity with adopted *city* and state rules and regulations in effect on the date the complete application was filed;

2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title;

3. Compatibility with the character and appearance of existing or proposed development in the vicinity of the subject property;

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

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

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

C. Approval of the site plan review shall not provide the *applicant* with a vested right to build without regard to subsequent changes in the building and fire codes listed in KMC Title 15 regulating construction.

18.105.070**Limitation of permit approval.**

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

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

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

1. Initial building permits have not been submitted or the project has not been completed due to causes beyond the *applicant's* control, such as litigation, acts of God, unanticipated *site* conditions or adverse economic market conditions;

2. The *applicant* has shown a good faith effort to commence or complete the project within the time previously allotted;

3. Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The *director of community development/city manager* has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and

4. The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts.

18.105.090**Administrative rules.**

The *city manager* may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter.

Chapter 18. ~~105115~~**DECISION CRITERIA- VARIANCE, CONDITIONAL USE, SPECIAL USE, AND ZONE RECLASSIFICATION PERMITS AND MODIFICATIONS**

Sections:

18. ~~105115~~.010 Purpose.~~18.105.020 Temporary use permit.~~18. ~~105115~~.030 Variance.18. ~~105115~~.040 Conditional use permit.18. ~~105115~~.050 Special use permit.18. ~~105115~~.060 Zone reclassification.~~18.95.060 115.065 Director review – Decision final unless appealed Permit expirations.~~~~18.95.120 Modifications and expansions of uses or developments authorized by existing land use permits – Permits defined.~~~~18.95.130 115.080 Modifications or expansions of uses or developments authorized by existing land conditional use or special use permits – When use now permitted outright.~~~~18.95.140 115.090 Modifications or expansions of uses authorized by existing land conditional use or special use permits – Required findings.~~~~18.95.150 Modifications and expansions – Use or development authorized by an existing planned unit development approval.~~~~18.95.160 115.100 Modifications and expansions – Uses or development authorized by existing conditional use or special use or unclassified use permits.~~18. ~~105115~~.010**Purpose.**

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

- A. Providing clear criteria on which to base a decision;
- B. Recognizing the effects of unique circumstances upon the development potential of a property;
- C. Avoiding the granting of special privileges;
- D. Avoiding *development* which may be unnecessarily detrimental to neighboring properties;
- E. Requiring that the design, scope and intensity of *development* is in keeping with the physical aspects of a *site* and adopted land use policies for the area; and
- F. Providing criteria which emphasize protection of the general character of neighborhoods. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.010).]

~~18.105.020~~**~~Temporary use permit.~~**~~A temporary use permit shall be granted by the city, only if the applicant demonstrates that:~~

- ~~A. The proposed temporary use will not be materially detrimental to the public welfare;~~
- ~~B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;~~
- ~~C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;~~
- ~~D. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and~~
- ~~E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.020).]~~

18. ~~495115~~.030**Variance.**

A *variance* shall be granted by the *city*, only if the *applicant* demonstrates all of the following:

- A. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- B. The *variance* is necessary because of the unique size, shape, topography, or location of the subject property;
- C. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- D. The *variance* does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;
- E. The *variance* does not relieve an *applicant* from any of the procedural provisions of this title;
- F. The *variance* does not relieve an *applicant* from any standard or provision that specifically states that no *variance* from such standard or provision is permitted;
- G. The *variance* does not relieve an *applicant* from conditions established during prior permit review or from provisions enacted pursuant to Chapter 18. ~~8247~~ KMC, General Provisions – Property-Specific Development Standards/Special District Overlays;
- H. The *variance* does not allow establishment of a *use* that is not otherwise permitted in the zone in which the proposal is located;
- I. The *variance* does not allow the creation of *lots* or densities that exceed the base residential density for the zone by more than 10 percent;
- J. The *variance* is the minimum necessary to grant relief to the *applicant*;
- K. The *variance* from *setback* or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
- L. The *variance* does not relieve an *applicant* from any provisions of Chapter 18.55 KMC, Critical Areas, except for the required buffer widths and building setbacks set forth in KMC 18.55.270, 18.55.320, 18.55.420 and 18.55.600. *Variances to the buffer width and building setback provisions of Chapter 18.55 KMC also are addressed in KMC 18.55.170.* [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.030).]

18. ~~495115~~.040**Conditional use permit.**

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

- A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing or proposed *development* in the vicinity of the subject property;
- B. The location, size and height of *buildings*, *structures*, walls and *fences*, and screening *vegetation* for the conditional use shall not hinder neighborhood circulation or discourage the permitted *development* or use of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- E. The conditional use is not in conflict with the health and safety of the community;
- F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.040).]

18. ~~495115~~.050**Special use permit.**

A *special use permit* shall be granted by the *city*, only if the *applicant* demonstrates that:

- A. The characteristics of the special use will not be unreasonably incompatible with the types of *uses* permitted in surrounding areas;
- B. The special use will not materially endanger the health, safety and welfare of the community;

C. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

D. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

E. The location, size and height of *buildings, structures, walls and fences*, and screening *vegetation* for the special use shall not hinder or discourage the appropriate *development or use* of neighboring properties; and

F. The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.050).]

18.105.115.060

Zone reclassification.

A zone *reclassification* shall be granted only if the *applicant* demonstrates that the proposal complies with the criteria for approval specified in KMC 19.30.210 and 19.30.220 and is consistent with the comprehensive plan and applicable *community and* functional plans. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.060).]

18.95.060115.065

Director review — Decision final unless appealed Permit expirations.

~~EA.~~ Establishment of any *use or development* activity authorized pursuant to a *conditional use permit or variance* shall occur within four years of the effective date of the decision for such permit or *variance*; provided, that for schools this period shall be five years. This period may be extended for one additional year by the *director/city manager* if the *applicant* has submitted the applications necessary to establish the *use or* authorize the development activity and has provided written justification for the extension.

~~EB.~~ For the purpose of this section, “establishment” shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized *use or development* activity; provided, that the *conditions of improvements or development activity required* authorized by such permits are completed within the timeframes of said permits.

~~EC.~~ Once a *use, activity or improvement* allowed by a *conditional use permit or variance* has been established, it may continue as long as all conditions of permit issuance are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.090).]

~~D.~~ Expiration dates for *special use permits* shall be determined through the land use decision process and shall be specified in the conditions of approval.

18.95.120

Modifications and expansions of uses or developments authorized by existing land use permits —

Permits defined.

For the purposes of this chapter, a “land use permit” shall mean a conditional use permit, special use permit, unclassified use permit, or planned unit development. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.150).]

18.95.130115.080

Modifications or expansions of uses or developments authorized by existing land conditional use or special use permits — When use now permitted outright.

Proposed modifications or expansions to a *use or development* authorized by an existing *land conditional use or special use permit* shall not require an amendment to the existing *land use* permit if the *use* is now permitted outright in the zone district in which it is located and shall not require findings pursuant to KMC 18.95.170. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.160).]

18.95.140115.090

Modifications or expansions of uses authorized by existing land conditional use or special use permits — Required findings.

Modifications or expansions approved by the *department* shall be based on written findings that the proposed modifications or expansions provide the same level of protection for and compatibility with adjacent land uses as the original land use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.170).]

18.95.150**Modifications and expansions – Use or development authorized by an existing planned unit development approval.**

Modifications and expansions of uses or developments authorized by an existing planned unit development approval shall be subject to the following provisions:

- A. Any approved modification or expansion shall be recorded.
- B. Modifications to building location and/or dimensions shall be reviewed pursuant to the code compliance process of KMC 18.95.010 only when:

- 1. No buildings are located closer to the nearest property line(s); and
- 2. No increase in square footage of buildings is proposed.

C. Modifications beyond those permitted in subsection (B) of this section and all expansions, shall be subject to the approval of a conditional use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.180).]

18.95.160 18.115.100**Modifications and expansions – Uses or development authorized by existing conditional use or special use or unclassified use permits.**

A. The department may review and approve pursuant to the code compliance process of KMC 18.95.010, an expansion of a use or development authorized by an existing conditional use or special use or unclassified use permit provided that:

- 1. The expansion shall conform to all provisions of this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to 10 percent:

- a. Building square footage;
- b. Impervious surface;
- c. Parking; or
- d. Building height.

- 2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

B. A conditional use permit shall be required for expansions within a use or development authorized by an existing conditional use permit if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A special use permit shall be required for expansions within a use or development authorized by an existing special use or unclassified use permit, if the expansions to either permit are not consistent with the provisions of subsection (A) of this section.

D. This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in KMC 18.60.130 or to modifications or expansions of nonconformances, the provisions for which are set forth in KMC 18.75.100.070. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.190).]

Chapter 19.2318.120**MASTER PLANS****Sections:**

19.2318.120.010 Master plan chapter purpose.

19.2318.120.020 Master plans authorized.

19.2318.120.030 Master plan contents.

19.2318.120.040 Master plan approval process.

18.120.045 Approved master plans.

19.2318.120.050 Modifications of an approved master plan.

19.2318.120.060 Vesting and time limitations.

19.2318.120.010**Master plan chapter purpose.**

This chapter is intended to detail the procedures and responsibilities of the city in the processing, consideration and action on proposed master plans. Master plans are authorized or required for certain uses or activities within the comprehensive plan or certain zone districts. These uses may have unique characteristics or potential impacts to the community, and require review and opportunity for public comment. A master plan may also be requested by an applicant to guide development over a period of years and to clarify vesting rights. It is expected that approval of a master plan will guide development within the affected area for a period of at least 10 years. Master plan approval is also intended to allow quicker review and processing of individual, phased construction projects with greater certainty than would be possible if a master plan did not exist. [Ord. 08-0293 § 2.]

19.2318.120.020**Master plans authorized.**

Master plans are authorized or are required as follows:

A. Comprehensive Plan Requirement. Where specified in the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone.

B. Zoning – Requirement or Authorization.

1. Parks, Golf Course, or Public and Semi-Public Zones. Master plans may be proposed for permitted or conditionally permitted uses in a phased manner for a minimum 10-year planning period. Project sponsors in the parks, golf course, or public and semi-public zones shall prepare a master plan for purposes of establishing land uses or activities not otherwise established in KMC 18.28.020, 18.28A.020 or 18.28B.020 as permitted or conditionally permitted or to vary standards per KMC 18.28.040(B), 18.28A.040(B) or 18.28B.040(B). Master plans shall not be used to establish prohibited uses listed in Chapters 18.28, 18.28A, or 18.28B KMC.

2. P-Suffix Conditions. Required to develop allowed uses in certain zones with P-suffix conditions pursuant to KMC 18.247.030.

C. Other.

1. Authorized or required in ordinances or development agreements approved by the city. [Ord. 08-0293 § 2.]

2. Elected by an applicant

19.2318.120.030**Master plan contents.**

A. Master plans shall contain the following information:

1. For properties with master plans authorized or required as stated in KMC 19.2318.120.020 except the parks zone and P-suffix conditions:

a. A master plan shall provide a general narrative description of all long-term land uses, circulation and infrastructure, open space, and development phasing for an area or property to guide future development.

b. The master plan shall, in a general manner, depict the site layout by showing development areas by type of land use, circulation patterns, site access, utilities, infrastructure, maximum square footage of uses (if applicable), and any open space areas and buffers.

c. The plan shall also illustrate the relationship between the site and adjoining properties.

d. It is intended that master plan maps and graphics be developed in a general conceptual manner.

2. Master plans for properties included in the parks zone:

a. City-Owned Parks. Master plans shall consist of city parks and recreation functional plans or other legislatively approved conceptual plans.

b. Noncity-Owned Parks. Master plans shall conform to the requirements in subsection (A)(1) of this section.

c. Any Property Zoned Parks. Any single master plan proposal submitted to the city for approval shall include a park or recreation use for the overall area included in the master plan application.

3. Master plans for properties with P-suffix conditions per KMC 19.2318.120.020(B). Master plans shall contain the information required in the P-suffix condition.

B. Merger with Other Applications. The applicant also has the option of submitting a master plan concurrently with specific site design permits, including but not limited to a commercial site development permit or a building permit.

Other applications, such as binding site plan (BSP) or development agreement, may also be submitted concurrently. If submitted concurrently, the city shall review the applications concurrently. However, no site design or other approval shall be granted until such time as the master plan is approved. [Ord. 08-0293 § 2.]

19.2318.120.040

Master plan approval process.

A. Master Plan Approval Process.

1. Comprehensive Plan Requirement. *Master plans* that are required by the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone shall be subject to the Type 5 permit process.

2. Zoning Requirement or Authorization.

a. Parks, Golf Course, or Public and Semi-Public Zones. Where use may only be established by a master plan pursuant to the zone requirements.

(1) City-Owned Property. The city of Kenmore may prepare and amend *master plans* for city property subject to city council approval.

(2) Noncity-Owned Property. ~~Master plans prepared for uses which are neither permitted, nor conditionally permitted, nor prohibited in a zone.~~ Type 4.

b. P-Suffix Condition: Type 4. ~~Master plans prepared for uses which are allowed by the applicable zoning district.~~ Type 2.

3. Other.

a. Authorized or required in ordinances or *development agreements* approved by the city: Consistent with adopting ordinance or *development agreement*, but no less than Type 2 process.

b. Elected by an applicant: Type 4.

~~CB. Master Plan Approval Criteria.~~ At a minimum, *master plans* shall be consistent with the review criteria contained in KMC 18.405115.050 (same as special use criteria). *Master plans* shall also be consistent with review criteria specified in any applicable P-suffix conditions, ordinance, *development agreements*, or recorded instrument.

~~DC. Consistency with Master Plan.~~ All property identified in the *master plan* shall be developed in a manner consistent with the provisions of the *master plan*. [Ord. 09-0304 § 5 (Exh. C); Ord. 08-0293 § 2.]

~~D. A site with an approved master plan does not require a site plan review pursuant to KMC Chapter 18.105 prior to submittal of building or other development permits.~~ (SIGNIFICANT CHANGE)

18.120.045

Approved master plans.

B. Master Plans — Approved.

~~1A. Parks Zone.~~ The following *master plans* have been approved by the city as of December 11, 2006, for city-owned park property. Please contact the department of community development city for an up-to-date list of approved *master plans* or for *master plans* in progress.

a. City of Kenmore Parks and Recreation Master Plan, April 2003 (all city parks except Northshore Summit).

b. Conceptual *master plans* as revised and updated in 2006: Wallace Swamp Creek Park, Linwood Park, Northshore Summit Park, Tracey Owen Station, Kenmore (Rhododendron) Park, Moorlands Park.

2. Golf Course Zone. Reserved.

3. Public and Semi-Public Zone.

~~AB. Bastyr University Master Plan, December 2009, approved by city of Kenmore.~~ Ordinance 09-0304.

~~C. Lakepointe Mixed Use Development Master Plan, August 1998.~~

19.2318.120.050

Modifications of an approved master plan.

A. Project sponsors may submit an application(s) to modify approved *master plans*. Modifications that do not substantially change the nature or level of use or that do not require a new environmental review may be considered

minor amendments and may be approved by the ~~director~~*city manager* as a Type 2 decision or in accordance with the permit process authorized in an ordinance, *development agreement*, or recorded instrument.

B. Modifications that would result in a substantial change of use, or substantially change the nature or level of activity, or that would require the need for additional environmental review, shall be considered a major modification and shall be processed consistent with the permit type required to establish the original *master plan* in KMC 19.2318.120.040 or in accordance with the permit process authorized in an ordinance, *development agreement*, or recorded instrument. [Ord. 08-0293 § 2.]

~~19.2318.120.060~~

Vesting and time limitations.

Unless alternative vesting and time limitations are stated in the approval of a *master plan* and specified in an ordinance, *development agreement*, or recorded instrument as appropriate, the following shall apply:

A. Time Limitations. An approved *master plan* shall remain in effect for a period of not less than 10 years, subject to the following conditions:

1. Submittal of biennial status reports to the ~~community development director~~*city manager* during the term of the *master plan* no later than December 31st of each biennial period;

2. Submittal of interim reports to the ~~community development director~~*city manager* regarding any proposed changes or revisions to the *master plan* implementation schedule no later than December 31st of each biennial period;

3. Issuance of construction permits for at least one-half of the new construction projects identified in each phase of the *master plan* implementation schedule no later than the projected completion date for the particular phase.

B. Vesting. *Master plans* shall be vested to the regulations in effect at the time of approval, as specified by ordinance, *development agreement*, or recorded instrument. Such vesting measures shall not preclude the city from taking such actions as shall be necessary to protect the public health and safety. [Ord. 08-0293 § 2.]

Chapter 18.1~~4025~~ BEING REVISED THROUGH ANOTHER PROJECT

ENFORCEMENT

Sections:

18.1~~4025~~.010 Purpose.

18.1~~4025~~.020 Authority and application.

18.1~~4025~~.030 Permits.

18.1~~4025~~.040 Violations defined.

18.1~~4025~~.050 Permit suspension, revocation or modification.

18.1~~4025~~.060 Initiation of revocation or modification proceedings.

18.1~~4025~~.010

Purpose.

The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in Chapter 1.20 KMC, when violations of this title occur. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.010).]

18.1~~4025~~.020

Authority and application.

The ~~director~~*city manager* is authorized to enforce the provisions of this code, any implementing administrative rules, administration, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.020).]

18.14025.030**Permits.**

All home businesses, home industries, *accessory dwelling units*, changes of *use*, additions to a nonconforming *structure*, or changes in ownership or operation of a nonconforming *structure* or *use* shall apply for and receive a city-issued zoning permit, which shall set forth conditions of operation and ensure appropriate zoning. The *city manager* or *his or her designee* shall be responsible for determining when a zoning permit is required and how a zoning permit shall be processed in conjunction with other permits that may be required. The fee for a zoning permit shall be imposed by the city council by resolution. [Ord. 02-0139 § 1; Ord. 99-0052 § 2; Ord. 98-0026 § 13.]

18.14025.040**Violations defined.**

No building permit or land use approval in conflict with the provisions of this title shall be issued. *Structures* or *uses* which do not conform to this title, except legal *nonconformances* specified in Chapter 18.75100 KMC and approved *variances*, are violations subject to the enforcement, penalty and abatement provisions of Chapter 1.20 KMC, including but not limited to:

- A. Establishing a *use* not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a *structure* in violation of *setback*, height and other dimensional standards in this title;
- C. Establishing a permitted *use* without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited to, road construction, surface water management, the Fire Code, and rules of the department of public health;
- D. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
- E. Failing to secure required land use or permit approval prior to establishing a permitted *use*; and
- F. Failing to maintain *site* improvements, such as *landscaping*, parking or drainage control facilities as required by this code or other city *of Kenmore* ordinances. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.030).]

18.14025.050**Permit suspension, revocation or modification.**

A. Permit suspension, revocation or modification shall be carried out through the procedures set forth in Chapter 1.20 KMC. Any permit, *variance*, or other land use approval issued by the city *of Kenmore* pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:

- 1. The approval was obtained by fraud;
- 2. The approval was based on inadequate or inaccurate information;
- 3. The approval, when given, conflicted with existing laws or regulations applicable thereto;
- 4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
- 5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
- 6. The *use* for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
- 7. The holder of the permit or approval interferes with the *director* *city manager* or any authorized representative in the performance of his or her duties; or
- 8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to Chapter 1.20 KMC.

B. Authority to revoke or modify a permit or land use approval shall be exercised by the *issuer* *decisionmaker*, as follows: *described in KMC 19.25.020.*

- 1. *The council may, after a recommendation from the examiner, revoke or modify any residential density incentive approval, transfer of development credit, Urban Planned Development, preliminary subdivision, zone reclassification or special use permit;*
- 2. *The adjuster may revoke or modify any variance or conditional use permit; provided, that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and*

3. The director may revoke or modify any permit or other land use approval issued by the director. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.040).]

18.11.025.060

Initiation of revocation or modification proceedings.

A. The ~~director~~*city manager* may suspend any permit, *variance* or land use approval issued by any city ~~of Kenmore~~ issuing agency and processed by the *department* pending its revocation or modification, or pending a public hearing on its revocation or modification;

B. The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and

C. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the ~~director~~*city manager* to suspend a permit, *variance* or land use approval pending a public hearing on its revocation or modification. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.050).]

Title 18

ZONING

Chapters:

- 18.05 Adoption
- 18.10 Authority, Purpose, Interpretation and Administration
- 18.15 Zones, Maps and Designations
- 18.20 Technical Terms and Land Use Definitions
- 18.21 Residential Zones
- 18.22 Neighborhood Business Zone
- 18.23 Community Business Zone
- 18.24 Downtown Residential Zone
- 18.25 Downtown Commercial Zone
- 18.26 Regional Business Zone
- 18.27 Public and Semi-Public Zone
- 18.28 Parks Zone
- 18.28A Golf Course Zone
- 18.30 Development Standards – General
- 18.35 Development Standards – Landscaping
- 18.40 Development Standards – Parking and Circulation
- 18.42 Development Standards – Signs
- 18.45 Development Standards – Adequacy of Public Facilities and Services
- 18.47 Property-Specific Development Standards/Special District Overlays
- 18.50 Development Standards – Design Requirements for Specific Uses
- 18.52 Downtown Design Standards
- 18.55 Critical Areas
- 18.57 Tree Management and Protection
- 18.60 Communication Facilities
- 18.70 Animals
- 18.73 Accessory Dwelling Units, Home Occupation, Home Industry
- 18.77 Affordable Housing
- 18.80 Residential Density Incentives
- 18.100 General Provisions – Nonconformance, Existing Legal Uses, and Temporary Uses
- 18.105 Site Plan Review
- 18.115 Variance, Conditional Use, Special Use, and Zone Reclassification Permits and Modifications
- 18.120 Master Plans
- 18.125 Enforcement

Chapter 18.05**ADOPTION**

Sections:

- 18.05.010 Zoning code adopted.
- 18.05.030 Severability.
- 18.05.040 Drawings.

18.05.010**Zoning code adopted.**

Under the provisions of Article XI, Section 11 of the Washington State Constitution, this zoning code is adopted and declared to be the zoning code for the *city* until amended, repealed or superseded. This code also is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.020).]

18.05.030**Severability.**

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.080).]

18.05.040**Drawings.**

The *department* is hereby authorized after the date of the adoption of the ordinance codified in this chapter to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control over such drawings. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.090).]

Chapter 18.10**AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION**

Sections:

- 18.10.010 Title.
- 18.10.030 Purpose.
- 18.10.040 Conformity with this title required.
- 18.10.050 Minimum requirements.
- 18.10.055 City Manager authority.
- 18.10.060 Interpretation – General.
- 18.10.070 Written interpretation of this title.
- 18.10.075 Interpretation of unclassified uses.
- 18.10.080 Interpretation – Zoning maps.
- 18.10.085 Classification of right-of-way.

18.10.010**Title.**

This title shall be known as the zoning code, hereinafter referred to as “this title”. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.010).]

18.10.030**Purpose.**

The general purposes of this title are:

- A. To encourage land use decisionmaking in accordance with the public interest and applicable laws of the state of Washington;
- B. To protect the general public health, safety, and welfare;
- C. To implement the comprehensive plan's policies and objectives through land use regulations;
- D. To provide for the economic, social, and aesthetic advantages of orderly *development* through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- E. To provide for adequate public facilities and services in conjunction with *development*; and
- F. To promote general public safety by regulating *development* of lands containing physical hazards and to minimize the adverse environmental impacts of *development*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.030).]

18.10.040**Conformity with this title required.**

- A. No *use* or *structure* shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
- B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and KMC Title 17, Land Division.
- C. All land uses and *development* authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other *city* regulations, the more restrictive requirements shall apply.
- D. Where more than one part of this title applies to the same aspect of a proposed *use* or *development*, the more restrictive requirement shall apply.

18.10.050**Minimum requirements.**

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.050).]

18.10.055**City Manager authority.**

The City Manager shall have the authority and discretion to administer the provisions of this title, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this title, and to enforce requirements.

18.10.060**Interpretation – General.**

- A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.
- B. A land use includes the necessary *structures* to support the *use* unless specifically prohibited or the context clearly indicates otherwise.
- C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use information in Chapters 18.21 through 18.28A KMC shall control. All applicable requirements shall govern a *use* whether or not they are cross-referenced in a text section.
- D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in

this title, all words and terms used in this title shall have their customary meanings. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.060).]

E. Except for other agencies with authority to implement specific provisions of this title, the *department* shall issue official interpretations of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.090).]

F. An interpretation of this code will be enforced as if it is part of this code.

18.10.070

Written interpretation of this title.

A. The *city manager* may, acting on his/her own initiative or in response to an inquiry, issue written interpretations of any of the provisions of this code. The *city manager* shall base his/her interpretations on:

1. The defined or common meaning of the words of the provision; and
2. The general purpose of the provision as expressed in the provision; and
3. The logical or likely meaning of the provision viewed in relation to the comprehensive plan.

B. Written interpretations shall include references to affected code sections.

C. All written interpretations of this code, filed sequentially, shall be available for public inspection and copying in the *department* during regular business hours.

D. A written interpretation of this code may be appealed to the *hearing examiner*, as provided for in KMC Chapter 19.30.

18.10.075

Interpretation of unclassified uses.

A. Upon inquiry by an *applicant*, an administrative interpretation shall be made by the *city manager* to determine if a proposed *use* not specifically classified is allowed utilizing the criteria below. Should interpretation be made that a proposed, *unclassified use* not be allowed in a specific zoning district, the *city manager* shall indicate with which zone, if any, the *use* is consistent. If the *city manager's* interpretation indicates that an *unclassified use* is not consistent with the permitted, conditional or *accessory uses* in any district, or if the *applicant* does not concur with the permit type applied to a *use*, a Type 2 appeal may be made pursuant to Chapter 19.30 KMC.

1. Criteria for *Unclassified Uses*. To determine whether an *unclassified use* is permitted, conditionally permitted or accessory, the *city manager* shall determine the *use* is:

- a. In keeping with the purpose and intent of the zone, and consistent with the Kenmore comprehensive plan policies;
- b. Similar in nature to, and no more intense than, a specifically listed permitted, conditional or *accessory use*;
- c. Similar to the physical characteristics, supporting *structures*, scale, traffic, hours of operation, and other features of specifically listed permitted, conditional or *accessory uses*; and
- d. If determined to be permissible as an *accessory use*, the *accessory use* shall be incidental, necessary and commonly found with the permitted or conditionally permitted use and is consistent with the definition of *accessory uses* or *structures* in Chapter 18.20 KMC. [Ord. 03-0175 § 2.]

18.10.080

Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

A. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-street-related *uses* by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' *lot*;

B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them; and

D. If none of the rules of interpretation described in subsections (A) through (C) of this section apply, then the zoning boundary shall be determined by map scaling. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.080).]

18.10.085**Classification of right-of-way.**

A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for *streets* or *alleys* shall be considered unclassified.

B. Within *street* or *alley* rights-of-way, *uses* shall be limited to street purposes as defined by law.

C. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.110).]

Chapter 18.15**ZONES, MAPS AND DESIGNATIONS**

Sections:

- 18.15.010 Zones and map designations established.
- 18.15.020 Zone and map designation purpose.
- 18.15.040 Residential zones.
- 18.15.045 Neighborhood business zone.
- 18.15.050 Community business zone.
- 18.15.055 Downtown residential zone.
- 18.15.065 Downtown commercial zone.
- 18.15.070 Regional business zone.
- 18.15.080 Public and semi-public zone.
- 18.15.090 Parks zone.
- 18.15.100 Golf course zone.
- 18.15.110 Map designation – Property-specific development or P-suffix standards.
- 18.15.120 Map designation – Special district overlay.
- 18.15.150 Zoning maps and boundaries.

18.15.010**Zones and map designations established.**

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR

ZONING DESIGNATIONS	MAP SYMBOL
Downtown Commercial	DC
Regional Business	RB
Public and Semi-Public	PSP
Parks	P
Golf Course	GC
Property-Specific Development Standards	P-suffix
Special District Overlay	SO

[Ord. 08-0293 § 2; Ord. 07-0267 § 9; Ord. 06-0254 § 2; Ord. 03-0175 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.04.010).]

18.15.020

Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in Kenmore. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of *permitted uses* within each zone through amendments to this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.020).]

18.15.040

Residential zones.

A. The purpose of the residential zones (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

1. Providing, in the R-1 through R-6 zones, for a mix of predominantly *single detached dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;
2. Providing, in the R-12 through R-48 zones, for a mix of predominantly *apartment* and *townhouse dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;
3. Allowing only those accessory and complementary nonresidential *uses* that are compatible with residential communities; and
4. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally critical sites from overdevelopment.

B. Use of this zone is appropriate as follows:

1. The R-1 zone on or adjacent to lands with area-wide environmental constraints where *development* is required to cluster away from *critical areas*;
2. The R-4 through R-6 zones on lands that are predominantly environmentally unconstrained and are served at the time of *development*, by adequate public sewers, water supply, *streets* and other needed public facilities and services; and
3. The R-12 through R-48 zones next to commercial centers, in areas that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.080).]

18.15.045**Neighborhood business zone.**

A. The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties, and to provide for limited residential *development*. These purposes are accomplished by:

1. Limiting nonresidential *uses* to those retail or personal services which can serve the everyday needs of a surrounding urban residential area;
2. Allowing for *mixed use* (housing and retail/service) *developments* and for *townhouse developments* as a sole *use* on properties; and
3. Excluding industrial and community/regional business-scaled *uses*.

B. Use of this zone is appropriate in neighborhood business centers on *sites* which are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.090).]

18.15.050**Community business zone.**

A. The purpose of the community business zone (CB) is to provide convenience and *comparison retail* and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations that are not appropriate for extensive *outdoor storage* or auto-related and industrial *uses*. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
2. Allowing for *mixed use* (housing and retail/service) *developments*; and
3. Excluding commercial *uses* with extensive *outdoor storage* or auto-related and industrial *uses*.

B. Use of this zone is appropriate in areas that are designated by the comprehensive plan and that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.100).]

18.15.045**Downtown residential zone.**

The downtown residential zone 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 zone represents an opportunity to provide a range of housing types in the community with attention to appearance and scale. [Ord. 03-0175 § 4.]

18.15.065**Downtown commercial zone.**

A. The downtown commercial zone 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 *critical 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.

B. *Uses* not compatible with the downtown commercial zone 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 not permitted. Park-and-ride/*transit centers* are promoted along SR-522, particularly in the northwest quadrant of the 68th Avenue NE/SR-522 intersection. [Ord. 03-0175 § 5.]

18.15.070**Regional business zone.**

A. The purpose of the regional business zone (RB) is to provide for the broadest mix of *comparison retail*, wholesale, service and *recreational/cultural land uses* with compatible storage and fabrication *uses*, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by:

1. Encouraging compact *development* that is supportive of transit and pedestrian travel, through higher nonresidential building heights and *floor area ratios* than those found in community centers;
2. Allowing for outdoor sales and storage, regional shopping areas and limited fabrication *uses*; and
3. Concentrating large scale commercial and office *uses* to facilitate the efficient provision of public facilities and services.

B. Use of this zone is appropriate in areas that are designated by the comprehensive plan that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.110).]

18.15.080**Public and semi-public zone.**

The public and semi-public zone (PSP) is applied to properties currently owned or operated by a public entity or *private* institution. The purpose of the public and semi-public zone is to recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances. The public and semi-public zone is applied to lands designated as public and private facilities on the comprehensive plan land use map.

18.15.090**Parks zone.**

The parks zone (P) provides for *parks*, recreational, *open space*, and resource *uses* within publicly owned lands, and establishes standards that allow for such *uses* to continue or be established while ensuring compatibility with surrounding *uses*. The parks zone is applied to lands used for public *parks*, recreation, and *open space* purposes and designated as public and private facilities on the comprehensive plan land use map. [Ord. 06-0254 § 3.]

18.15.100**Golf course zone.**

The golf course (GC) provides for golf course activities and the protection and preservation of *open space* qualities of lands that are developed for golf course *uses*. The golf course zone is applied to lands used for golf course related purposes and designated as public and private facilities on the comprehensive plan land use map.

18.15.110**Map designation – Property-specific development or P-suffix standards.**

The purpose of the property-specific development standards or P-suffix designation is to indicate that conditions beyond the minimum requirements of this title have been applied to *development* on the property, including but not limited to increased development standards, limits on *permitted uses* or special conditions of approval. Property-specific development standards are maintained by the *department* and are available for public inspection and copying during regular business hours. [Ord. 98-0026 §§ 1, 2 (KCC 21A.04.150).]

18.15.120**Map designation – Special district overlay.**

The purpose of the special district overlay or SO designation is to carry out comprehensive plan and subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative *uses* and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire subarea or

neighborhood planning areas. Special district overlay development standards are maintained by the *department* and are available for public inspection and copying during regular business hours.

18.15.150**Zoning maps and boundaries.**

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones shall be made by ordinance adopting or amending a zoning map.

C. The zoning map labeled “Official Zoning Map of the City of Kenmore”, dated May 2011, and as subsequently amended is hereby adopted as the official zoning map and shall be kept on file by the *city* and will be on display for public review at Kenmore City Hall. [Ord. 98-0026 §§ 1, 2, 3 (KCC 21A.04.190).]

Chapter 18.20**TECHNICAL TERMS AND LAND USE DEFINITIONS**

Sections:

18.20.010	Scope of chapter.
18.20.020	Abandoned vehicle.
18.20.030	Accessory living quarters.
18.20.035	Accessory use.
18.20.040	Accessory use, commercial/industrial.
18.20.045	Accessory use, parks.
18.20.050	Accessory use, residential.
18.20.060	Accessory use, resource.
18.20.090	Adult entertainment business.
18.20.095	Adult family home.
18.20.100	Agricultural product sales.
18.20.120	Aircraft, ship and boat building.
18.20.130	Airport/heliport.
18.20.140	Alley.
18.20.145	Alteration.
18.20.155	Amusement and recreation services.
18.20.160	Amusement arcade.
18.20.165	Anadromous fish.
18.20.170	Animal, small.
18.20.180	Antenna.
18.20.190	Applicant.
18.20.195	Arbor.
18.20.200	Arcade.
18.20.205	Architectural elements.
18.20.207	Articulation.
18.20.210	Artist studio.
18.20.212	Arts and crafts schools/studios.
18.20.216	Assisted living.
18.20.220	Auction house.
18.20.230	Base flood.
18.20.240	Base flood elevation.
18.20.245	Basement.
18.20.250	Bed and breakfast guesthouse.
18.20.260	Beehive.
18.20.270	Berm.

18.20.272	Best available science.
18.20.274	Best management practices (BMPs).
18.20.280	Billboard.
18.20.290	Billboard face.
18.20.300	Biologist.
18.20.302	Blank walls.
18.20.305	Boat launch.
18.20.310	Book, stationery, video and art supply store.
18.20.320	Broadleaf tree.
18.20.330	Buffer.
18.20.340	Building.
18.20.350	Building envelope.
18.20.360	Building facade.
18.20.370	Building, hardware and garden materials store.
18.20.380	Bulk gas storage tank.
18.20.390	Bulk retail.
18.20.395	Caliper.
18.20.400	Campground.
18.20.410	Capacity, school.
18.20.420	Capital facilities plan, school district.
18.20.422	Car wash.
18.20.425	Categorically excluded.
18.20.430	Cattery.
18.20.440	Cemetery, columbarium or mausoleum.
18.20.450	Channel relocation and stream meander areas.
18.20.460	Church, synagogue, mosque, temple.
18.20.465	City.
18.20.468	City manager.
18.20.470	Classrooms, school.
18.20.480	Clearing.
18.20.490	Cogeneration.
18.20.495	Commercial nursery or tree farm.
18.20.500	Communication facility, major.
18.20.510	Communication facility, minor.
18.20.520	Community residential facility (CRF).
18.20.530	Commuter parking lot.
18.20.540	Compensatory storage.
18.20.550	Conditional use permit.
18.20.560	Conference center.
18.20.570	Confinement area.
18.20.580	Consolidation.
18.20.590	Construction and trade.
18.20.610	Courtyard.
18.20.612	Critical areas.
18.20.614	Critical area tract.
18.20.630	Critical facility.
18.20.632	Critical root zone (CRZ).
18.20.633	Crown.
18.20.635	Cultural facilities.
18.20.640	Daily care.
18.20.650	Day care.
18.20.655	Debris flow.

18.20.660	Deciduous.
18.20.665	Degraded wetland buffer.
18.20.670	Density credit, transfer of (TDC).
18.20.680	Department.
18.20.690	Department and variety store.
18.20.695	Designated manufactured home.
18.20.700	Destination resort.
18.20.710	Developer.
18.20.715	Development.
18.20.730	Development agreement.
18.20.735	Development permit.
18.20.740	Development proposal.
18.20.750	Development proposal site.
18.20.752	Diameter at breast height (d.b.h.).
18.20.755	Differential settlement.
18.20.772	Dock.
18.20.775	Domiciliary care.
18.20.780	Dormitory.
18.20.785	Drive-through service.
18.20.790	Drop box facility.
18.20.800	Drug store.
18.20.805	Durable materials.
18.20.810	Dwelling unit.
18.20.820	Dwelling unit, accessory.
18.20.835	Dwelling, multiple-family.
18.20.840	Dwelling unit, single detached.
18.20.860	Earth station.
18.20.865	Educational institutions (public or private), K–12.
18.20.870	Effective radiated power.
18.20.880	Electrical substation.
18.20.885	Emergent wetland.
18.20.890	Emergency.
18.20.900	Energy resource recovery facility.
18.20.910	Enhancement.
18.20.920	Equipment, heavy.
18.20.930	Erosion.
18.20.940	Erosion hazard areas.
18.20.950	Evergreen.
18.20.965	Existing legal uses.
18.20.967	FAA.
18.20.970	Fabric shop.
18.20.1000	Fairground.
18.20.1010	Family.
18.20.1012	Family child-care home.
18.20.1015	FCC.
18.20.1020	Federal Emergency Management Agency (FEMA) floodway.
18.20.1040	Fence.
18.20.1050	Financial guarantee.
18.20.1052	First floor facades.
18.20.1055	Fish habitat.
18.20.1060	Flood fringe.
18.20.1070	Flood hazard areas.
18.20.1080	Flood insurance rate map (FIRM).

18.20.1090 Flood insurance study for King County.
 18.20.1100 Flood protection elevation.
 18.20.1110 Floodplain.
 18.20.1120 Floodproofing.
 18.20.1130 Floodway, zero-rise.
 18.20.1135 Floor area ratio (FAR).
 18.20.1140 Florist shop.
 18.20.1150 Forest practice.
 18.20.1160 Forest product sales.
 18.20.1170 Forest research.
 18.20.1185 Functions and values.
 18.20.1190 Furniture and home furnishings store.
 18.20.1200 General business service.
 18.20.1202 General personal service use.
 18.20.1203 General services land uses.
 18.20.1205 Geologically hazardous areas.
 18.20.1210 Geologist.
 18.20.1230 Golf course facility.
 18.20.1233 Government/business services land uses.
 18.20.1235 Government facilities, city.
 18.20.1240 Grade span.
 18.20.1250 Grading.
 18.20.1260 Grazing area.
 18.20.1270 Groundcover.
 18.20.1272 Ground floor.
 18.20.1273 Grove.
 18.20.1275 Hazard areas.
 18.20.1280 Hazardous household substance.
 18.20.1290 Hazardous liquid and gas transmission pipelines.
 18.20.1300 Hazardous substance.
 18.20.1305 Health services, miscellaneous.
 18.20.1307 Hearingexaminer.
 18.20.1310 Heavy equipment and truck repair.
 18.20.1320 Helistop.
 18.20.1330 Historic resource.
 18.20.1350 Hobby, toy, game shop.
 18.20.1360 Home industry.
 18.20.1370 Home occupation.
 18.20.1375 Hotel.
 18.20.1380 Household pets.
 18.20.1381 Human-scaled elements.
 18.20.1382 Hydraulic project approval (HPA).
 18.20.1390 Hydroelectric generation facility.
 18.20.1400 Impervious surface.
 18.20.1420 Individual transportation and taxi.
 18.20.1430 Infiltration rate.
 18.20.1435 In-kind.
 18.20.1440 Interim recycling facility.
 18.20.1470 Jail.
 18.20.1480 Jail farm.
 18.20.1490 Jewelry store.
 18.20.1500 Joint use driveway.
 18.20.1510 Kennel.

18.20.1520 Kitchen or kitchen facility.
 18.20.1530 Landfill.
 18.20.1540 Landscape water features.
 18.20.1550 Landscaping.
 18.20.1560 Landslide.
 18.20.1570 Landslide hazard areas.
 18.20.1575 Lattice-work tower.
 18.20.1580 Level of service (traffic).
 18.20.1590 Light equipment.
 18.20.1600 Livestock.
 18.20.1610 Livestock, large.
 18.20.1620 Livestock, small.
 18.20.1630 Livestock sales.
 18.20.1640 Loading space.
 18.20.1650 Log storage.
 18.20.1660 Lot.
 18.20.1670 Lot line, interior.
 18.20.1671 Low impact development (LID).
 18.20.1675 Manufactured home.
 18.20.1677 Manufacturing land uses.
 18.20.1680 Marina.
 18.20.1683 Mass wasting.
 18.20.1685 Master plan.
 18.20.1695 Medical/dental office/outpatient clinic.
 18.20.1700 Microwave.
 18.20.1705 Miscellaneous repair.
 18.20.1710 Mitigation.
 18.20.1720 Mitigation bank.
 18.20.1730 Mitigation banking.
 18.20.1740 Mixed use development.
 18.20.1745 Mobile food vendor.
 18.20.1750 Mobile home.
 18.20.1760 Mobile home park.
 18.20.1762 Modification.
 18.20.1765 Modulation.
 18.20.1770 Monitoring.
 18.20.1775 Monopole tower
 18.20.1785 Motel.
 18.20.1790 Motor vehicle and boat dealers.
 18.20.1800 Motor vehicle and bicycle manufacturing.
 18.20.1810 Mulch.
 18.20.1820 Municipal water production.
 18.20.1830 Native vegetation.
 18.20.1850 Net buildable area.
 18.20.1860 Nonconformance.
 18.20.1870 Nonhydroelectric generation facility.
 18.20.1875 Nonindigenous.
 18.20.1880 Nonionizing electromagnetic radiation (NIER).
 18.20.1890 Noxious weed.
 18.20.1900 Off-street required parking lot.
 18.20.1910 Open space.
 18.20.1920 Open-work fence.

18.20.1930 Ordinary high water mark.
 18.20.1940 Outdoor performance center.
 18.20.1945 Outdoor retail display/sidewalk sale.
 18.20.1960 Park.
 18.20.2000 Parking space.
 18.20.2030 Peak hour.
 18.20.2035 Pedestrian walkway.
 18.20.2040 Permanent school facilities.
 18.20.2050 Personal medical supply store.
 18.20.2060 Pet shop.
 18.20.2070 Photographic and electronic shop.
 18.20.2102 Practical alternative.
 18.20.2104 Priority habitat.
 18.20.2110 Private.
 18.20.2120 Private stormwater management facility.
 18.20.2130 Professional office.
 18.20.2135 Pro shop.
 18.20.2140 Public agency.
 18.20.2150 Public agency animal control facility.
 18.20.2160 Public agency archive.
 18.20.2170 Public agency or utility office.
 18.20.2180 Public agency or utility yard.
 18.20.2190 Public agency training facility.
 18.20.2195 Public space/public open space.
 18.20.2202 Public view.
 18.20.2205 Qualified professional.
 18.20.2207 Qualified tree protection professional.
 18.20.2210 Radio frequency.
 18.20.2220 Reasonable use.
 18.20.2230 Receiving site.
 18.20.2231 Reclassification.
 18.20.2232 Recreational/cultural land uses.
 18.20.2234 Recreational facilities, indoor.
 18.20.2237 Recreational facilities, outdoor.
 18.20.2240 Recreational vehicle (RV).
 18.20.2250 Recreational vehicle parks.
 18.20.2260 Recyclable material.
 18.20.2275 Regional land uses.
 18.20.2280 Regional stormwater management facility.
 18.20.2290 Regional utility corridor.
 18.20.2310 Relocatable facility.
 18.20.2320 Relocation facilities.
 18.20.2325 Residential land uses.
 18.20.2327 Resource land uses.
 18.20.2330 Restoration.
 18.20.2350 Retail, comparison.
 18.20.2362 Retail land uses.
 18.20.2364 Retail sales.
 18.20.2367 Retail sales, outdoor.
 18.20.2370 Retaining wall.
 18.20.2375 Riparian.
 18.20.2410 Salmonid.

18.20.2420	School bus base.
18.20.2430	School district.
18.20.2440	School district support facility.
18.20.2450	Schools, elementary, and middle/junior high.
18.20.2460	Schools, secondary or high school.
18.20.2462	Section 404 permit.
18.20.2465	Secure community transition facilities (SCTF).
18.20.2470	Seismic hazard areas.
18.20.2480	Self-service storage.
18.20.2490	Sending site.
18.20.2500	Senior citizen.
18.20.2524	Services, off-site.
18.20.2527	Services, on-site.
18.20.2530	Setback.
18.20.2540	Shelters for temporary placement.
18.20.2550	Shooting range.
18.20.2560	Sign.
18.20.2570	Sign, awning.
18.20.2580	Sign, changing message center.
18.20.2590	Sign, community bulletin board.
18.20.2600	Sign, directional.
18.20.2610	Sign, freestanding.
18.20.2620	Sign, fuel price.
18.20.2630	Sign, incidental.
18.20.2640	Sign, indirectly illuminated.
18.20.2650	Sign, monument.
18.20.2660	Sign, off-premises directional.
18.20.2670	Sign, on-premises.
18.20.2680	Sign, permanent residential development identification.
18.20.2690	Sign, portable.
18.20.2700	Sign, projecting.
18.20.2710	Sign, time and temperature.
18.20.2720	Sign, wall.
18.20.2730	Significant tree.
18.20.2740	Site.
18.20.2750	Site area.
18.20.2782	Social card game.
18.20.2784	Social services.
18.20.2790	Soil recycling facility.
18.20.2810	Special use permit.
18.20.2820	Specialized instruction school.
18.20.2822	Species.
18.20.2824	Species, endangered.
18.20.2826	Species, threatened.
18.20.2840	Sporting goods store.
18.20.2850	Sports club.
18.20.2860	Stable.
18.20.2870	Standard of service, school districts.
18.20.2884	Storage, indoor.
18.20.2887	Storage, outdoor.
18.20.2890	Stream functions.
18.20.2900	Stream.

18.20.2910 Street.
18.20.2920 Street frontage.
18.20.2925 Street tree.
18.20.2930 Structure.
18.20.2945 Subdrainage basin or sub-basin.
18.20.2960 Substantial improvement.
18.20.2965 Taxi stand.
18.20.2970 Theater.
18.20.2980 Theatrical production services.
18.20.3000 Trails.
18.20.3010 Transfer station.
18.20.3020 Transit bus base.
18.20.3023 Transit center.
18.20.3030 Transitional housing facilities.
18.20.3040 Transmission equipment.
18.20.3060 Transmission support structure.
18.20.3065 Transmission support structure, alternative.
18.20.3067 Transmission support structure, guyed.
18.20.3070 Transmitter building.
18.20.3082 Tree.
18.20.3084 Tree, hazard.
18.20.3095 Unavoidable impact.
18.20.3110 Use.
18.20.3111 Uses, classified.
18.20.3112 Uses, permitted.
18.20.3114 Uses, prohibited.
18.20.3117 Uses, unclassified.
18.20.3120 Utility facility.
18.20.3130 Vector waste.
18.20.3140 Vector waste receiving facility.
18.20.3150 Variance.
18.20.3155 Variety store.
18.20.3160 Vegetation.
18.20.3170 Vocational school.
18.20.3190 Warehousing and wholesale trade.
18.20.3200 Wastewater treatment facility.
18.20.3220 Water-dependent use.
18.20.3225 Water resource inventory area (WRIA).
18.20.3227 Weather protection.
18.20.3240 Wetland edge.
18.20.3250 Wetland, forested.
18.20.3260 Wetland functions.
18.20.3280 Wetlands.
18.20.3300 Wildlife shelter.
18.20.3305 Wind-firm.
18.20.3307 Wireless services.
18.20.3310 Work release facility.
18.20.3320 Wrecked, dismantled or inoperative vehicle.
18.20.3330 Yard or organic waste processing.

18.20.010**Scope of chapter.**

This chapter contains definitions of technical and procedural terms used throughout the code. Defined terms are shown in *italics* in the text of this title.

18.20.020**Abandoned vehicle.**

“Abandoned vehicle” means any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.007).]

18.20.030**Accessory living quarters.**

“Accessory living quarters” means living quarters in an accessory *building* for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no *kitchen* and are not otherwise used as a separate *dwelling unit*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.010).]

18.20.035**Accessory use.**

“Accessory use” means a *use* typically subordinate in size to the principal *use*; that would not contribute significantly to traffic generation, noise, or nuisance; and that supports the primary *use* operation without displacing it. Accessory uses are typically located upon the same *lot* occupied by a principal *use*. [Ord. 03-0175 § 6.]

18.20.040**Accessory use, commercial/industrial.**

“Commercial/industrial accessory use” means:

A. A *use* that is subordinate and incidental to a commercial or industrial *use*; including, but not limited to the following *uses*:

1. Administrative offices;
2. Employee exercise facilities;
3. Employee food service facilities;
4. Incidental storage of raw materials and finished products sold or manufactured on-site;
5. Business owner or caretaker residence;
6. *Cogeneration* facilities; and
7. Ground maintenance facilities.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.015).]

18.20.045**Accessory use, parks.**

“Parks accessory use” means a *use* or activity which is subordinate and incidental to a *park* including, but not limited to, the following *uses*:

- A. Environmental education, arts, dance, music, and other community-based and limited-term instruction.
- B. Recreational and social activities, such as hiking, biking, boating and other similar recreational activities.
- C. Meetings of nonprofit, social, community, and/or volunteer organizations. [Ord. 08-0293 § 2.]

18.20.050**Accessory use, residential.**

“Residential accessory use” means:

A. A *use, structure*, or activity which is subordinate and incidental to a residence including, but not limited to the following *uses*:

1. *Accessory living quarters* and dwellings;
2. Fallout/bomb shelters;
3. Keeping *household pets*;
4. On-site rental office;
5. Pools, *private docks*, piers;
6. *Antennas* for *private* telecommunication services;
7. Storage of yard maintenance equipment; or
8. Storage of *private* vehicles, e.g., motor vehicles, boats, trailers or planes;
9. Greenhouses.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.020).]

18.20.060

Accessory use, resource.

“Resource accessory use” means:

A. A *use, structure*, or part of a *structure*, which is customarily subordinate and incidental to a resource *use* including, but not limited to the following *uses*:

1. Housing of agricultural workers; or
2. Storage of agricultural products or equipment used on-site.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.025).]

18.20.090

Adult entertainment business.

“Adult entertainment business” means a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title 5.

18.20.095

Adult family home.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in RCW 70.128.

18.20.100

Agricultural product sales.

“Agricultural product sales” means the retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.040).]

18.20.120

Aircraft, ship and boat building.

“Aircraft, ship and boat building” means the fabrication and/or assembling of aircraft, ships or boats.

18.20.130

Airport/heliport.

“Airport/heliport” means any runway, landing area or other facility, excluding facilities for the primary use of the individual property owner which are classified as *helistops*, designed or used by public carriers or *private* aircraft for the landing and taking off of aircraft, including the following associated facilities:

- A. Taxiways;
- B. Aircraft storage and tie-down areas;
- C. Hangars;

D. Servicing; and

E. Passenger and air freight terminals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.050).]

18.20.140**Alley.**

“Alley” means an improved thoroughfare or right-of-way, whether public or *private*, usually narrower than a *street*, that provides vehicular access to an interior boundary of one or more *lots*, and is not designed for general traffic circulation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.055).]

18.20.145**Alteration.**

“Alteration” means any human-induced change in an existing condition of a *critical area* or its *buffer*. Alterations include, but are not limited to, *grading*, filling, channelizing, dredging, *clearing (vegetation)*, construction, compaction, excavation or any other activity that changes the character of the *critical area*. [Ord. 06-0244 § 16.]

18.20.155**Amusement and recreation services.**

“Amusement and recreation services” includes ticket agencies, travel arrangement and reservation services, scenic and sightseeing transportation services, performing arts companies, sports instruction, nonathletic recreational instruction, and sports equipment rental.

18.20.160**Amusement arcade.**

“Amusement arcade” means a *building* or part of a *building* in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.060).]

18.20.165**Anadromous fish.**

“Anadromous fish” means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, intergravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults. [Ord. 06-0244 § 17.]

18.20.170**Animal, small.**

“Small animal” means any animal other than *livestock* or animals considered to be predatory or wild which are kept outside a *dwelling unit* all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, or exhibition. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.065).]

18.20.180**Antenna.**

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.067).]

18.20.190**Applicant.**

“Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person. [Ord. 06-0244 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.070).]

18.20.195**Arbor**

“Arbor” means a shelter of vines or branches or of latticework covered with climbing shrubs or vines.

18.20.200**Arcade.**

“Arcade” means a series of arches supported by columns, piers, or pillars, often attached to a wall to form a roofed passageway or gallery.

18.20.205**Architectural elements.**

“Architectural elements” means building elements which add detail and finely scaled features to a *building facade*, such as belt courses, braces, brackets, brick coursing, columns, corbelled brick, cornices, frame elements, window openings, piers, plinths, and sills.

18.20.207**Articulation.**

“Articulation” means shifts in wall planes such as stepbacks, reveals, overhangs, and architectural elements and details which are used to create variations in a *building facade*.

18.20.210**Artist studio.**

“Artist studio” means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts; including, but not limited to, acting, dancing, singing, drawing, painting and sculpting. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.073).]

18.20.212**Arts and crafts schools/studios.**

“Arts and crafts schools/studios” means schools and studios for education in various arts and crafts, including, but not limited to, photography, dance, music, and language skills. [Ord. 03-0175 § 6.]

18.20.216**Assisted living.**

“Assisted living” means an establishment which provides living quarters and *domiciliary care* to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full *kitchen* or no *kitchen*. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space. Assisted living does not include adult family homes as defined in Chapter 70.128 RCW. [Ord. 03-0175 § 6.]

18.20.220**Auction house.**

“Auction house” means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.075).]

18.20.230**Base flood.**

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.080).]

18.20.240**Base flood elevation.**

“Base flood elevation” means the water surface elevation of the *base flood* in relation to the National Geodetic Vertical Datum of 1929. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.085).]

18.20.245**Basement.**

“Basement” means any area of the *building* having its floor below ground level on all sides. [Ord. 06-0244 § 18.]

18.20.250**Bed and breakfast guesthouse.**

“Bed and breakfast guesthouse” means a *dwelling unit* or accessory *building* within which bedrooms are available for paying guests. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.090).]

18.20.260**Beehive.**

“Beehive” means a *structure* designed to contain one colony of honey bees (*apis mellifera*). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.095).]

18.20.270**Berm.**

“Berm” means a constructed area of compacted earth. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.097).]

18.20.272**Best available science.**

“Best available science” means current scientific information derived from a valid scientific process, including that used in the process to designate, protect, or restore *critical areas* as defined by WAC 365-195-900 through 365-195-925. [Ord. 06-0244 § 19.]

18.20.274**Best management practices (BMPs).**

“Best management practices” means conservation practices or systems of practices and management measures that:

A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of *wetlands*;

C. Protect *trees* and *vegetation* designated to be retained during and following *site* construction; and

D. Provide standards for proper use of chemical herbicides within *critical areas*.

The *city* shall monitor the application of best management practices to ensure that the standards and policies of this title are adhered to.

18.20.280**Billboard.**

“Billboard” means a *sign*, including both the supporting structural framework and attached *billboard faces*, used principally for advertising a business activity, *use*, product, or service unrelated to the primary *use* or

activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate *signs*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.100).]

18.20.290**Billboard face.**

“Billboard face” means that portion of a *billboard*, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location; subclassified as follows:

A. “Billboard face I” means a billboard face not exceeding a height of 14 feet or a width of 48 feet, and may also include temporary and irregularly shaped extensions subject to the area and duration limitations in Chapter 18.42 KMC; and

B. “Billboard face II” means a billboard face not exceeding a height of 12 feet or a width of 24 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.105).]

18.20.300**Biologist.**

“Biologist” means a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.110).]

18.20.302**Blank walls.**

“Blank walls” means any *ground floor* wall over six feet in height and 15 feet or more in length and/or greater than 400 square feet in total area without architectural embellishments such as windows, doors, or other special wall treatment. Upper floors are not included in blank wall requirements.

18.20.305**Boat launch.**

“Boat launch” is an area where ramps continue down into bodies of water so that boats on trailers can be backed into the water and launched, or where operators of hand-carried watercraft may enter the water. [Ord. 08-0293 § 2.]

18.20.310**Book, stationery, video and art supply store.**

“Book, stationery, video and art supply store” means an establishment engaged in the retail sale of books and magazines, stationery, records, tapes and CDs, videos and DVDs, architectural and art supplies, and musical instruments. This *use* also includes DVD rental establishments.

18.20.320**Broadleaf tree.**

“Broadleaf tree” means a *tree* characterized by leaves that are broad in width and may include both *deciduous* and *evergreen* species. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.120).]

18.20.330**Buffer.**

For purposes of *critical areas* regulations, “buffer” means an area contiguous to a *critical area* that is required for the continued maintenance, functioning, and/or structural stability of the *critical area*. [Ord. 06-0244 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.122).]

18.20.340**Building.**

“Building” means any *structure* having a roof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.125).]

18.20.350**Building envelope.**

“Building envelope” means the area of a *lot* that delineates the limits of where a *building* may be placed on the *lot*. The building envelope is determined through minimum lot size and minimum lot width requirements. [Ord. 04-0213 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.135).]

18.20.360**Building facade.**

“Building facade” means that portion of any exterior elevation of a *building* extending from the grade of the *building* to the top of the parapet wall or eaves, for the entire width of the building elevation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.140).]

18.20.370**Building, hardware and garden materials store.**

“Building, hardware and garden materials store” means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies.

18.20.380**Bulk gas storage tank.**

“Bulk gas storage tank” means a tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.150).]

18.20.390**Bulk retail.**

“Bulk retail” means a singular indoor retail or wholesale user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Big-box retail/wholesale sales can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores and department stores. [Ord. 03-0175 § 7; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.155).]

18.20.395**Caliper.**

“Caliper” means the American Nursery and Landscape Association (ANLA) standards for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

18.20.400**Campground.**

“Campground” means an area of land developed for recreational use in temporary occupancy, such as tents or *recreational vehicles* without hookup facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.160).]

18.20.410**Capacity, school.**

“School capacity” means the number of students a *school district’s* facilities can accommodate district-wide, based on the district’s *standard of service*, as determined by the *school district*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.165).]

18.20.420**Capital facilities plan, school district.**

“School district capital facilities plan” means a district’s facilities plan adopted by the school board consisting of:

- A. A forecast of future needs for school facilities based on the district’s enrollment projections;

B. The long-range construction and capital improvements projects of the district; C. The schools under construction or expansion;

D. The proposed locations and capacities of expanded or new school facilities;

E. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;

F. Any other long-range projects planned by the district;

G. The current *school capacity* based on the district's adopted *standard of service*, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and

H. An inventory showing the location and capacity of existing school facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.170).]

18.20.422

Car wash.

"Car wash" means a *structure* with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Ord. 03-0175 § 6.]

18.20.425

Categorically excluded.

For purposes of KMC Chapter 18.60, "categorically excluded" means as defined in 1.1306 and 1.1307 in the Code of Federal Regulations (C.F.R.)

18.20.430

Cattery.

"Cattery" means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.175).]

18.20.440

Cemetery, columbarium or mausoleum.

"Cemetery, columbarium or mausoleum" means land or *structures* used for interment of the dead or their remains. For purposes of the code, pet cemeteries are considered a subclassification of this *use*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.180).]

18.20.450

Channel relocation and stream meander areas.

"Channel relocation and stream meander area" means those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank *erosion*, and shifts in the location of stream channels. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.182).]

18.20.460

Church, synagogue, mosque, temple.

"Church, synagogue, mosque, temple" means a place where religious services are conducted, including *accessory uses* in the primary or accessory *buildings* such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.185).]

18.20.465

City.

"City" means the city of Kenmore.

18.20.468**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

18.20.470**Classrooms, school.**

“School classrooms” means educational facilities required to house students for a basic educational program. Specialized facilities, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.190).]

18.20.480**Clearing.**

“Clearing” means the limbing, pruning, trimming, topping, cutting or removal of *vegetation* or other organic plant matter by physical, mechanical, chemical or other means. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.195).]

18.20.490**Cogeneration.**

“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.205).]

18.20.495**Commercial nursery or tree farm.**

“Commercial nursery” or “tree farm” means a licensed plant or *tree* nursery or farm in relation to those *trees* planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee’s business.

18.20.500**Communication facility, major.**

“Major communication facility” means a communication facility for transmission and reception of:

- A. UHF and VHF television signals; or
- B. FM or AM radio signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.210).]

18.20.510**Communication facility, minor.**

“Minor communication facility” means a communication facility for transmission and reception of:

- A. Two-way and/or citizen band (CB) radio signals;
- B. Point-to-point *microwave* signals;
- C. Cellular radio signals;
- D. Signals through FM radio translators; or
- E. Signals through FM radio boosters under 10 watts *effective radiated power* (ERP). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.215).]

18.20.520**Community residential facility (CRF).**

“Community residential facility (CRF)” means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

- A. CRF-I means nine to 10 residents and staff;

B. CRF-II means 11 or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.

Provided, however, that this definition shall not apply to *secure community transition facilities* as defined in KMC 18.20.2465 or to *adult family homes* as defined in KMC 18.20.095. [Ord. 02-0145 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.220).]

18.20.530**Commuter parking lot.**

“Commuter parking lot” means vehicle parking specifically for the purpose of access to a public transit system or for users of carpools or vanpools. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.223).]

18.20.540**Compensatory storage.**

“Compensatory storage” means new, excavated storage volume equivalent to any flood storage which is eliminated by building, filling or *grading* within the *floodplain*. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals which are hydraulically connected to the floodway through their entire depth. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.225).]

18.20.550**Conditional use permit.**

“Conditional use permit” means a permit required for *uses* due to special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to review by the reviewing official to establish conditions to protect public health, safety and welfare and ensure compatibility with nearby land *uses*. [Ord. 03-0175 § 8; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.230).]

18.20.560**Conference center.**

“Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.235).]

18.20.570**Confinement area.**

“Confinement area” means any open land area in which *livestock* are kept where the forage does not meet the definition of a *grazing area*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.240).]

18.20.580**Consolidation.**

“Consolidation” means the relocation to a consolidated transmission structure of the main transmit *antennas* of two or more *FCC* broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit *antennas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.245).]

18.20.590**Construction and trade.**

“Construction and trade” means establishments that provide services related to construction of *buildings* and infrastructure, and other improvements to property. Such establishments include landscape and horticultural services. This definition excludes construction and trade establishments that qualify as a *professional office* by virtue of having only a business office without outside storage or fabrication. [Ord. 03-0175 § 9; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.247).]

18.20.610**Courtyard.**

“Courtyard” means a *private* open space internal to *development* which is not accessible to the public and which is enclosed on at least two sides by *structure(s)* or fencing.

18.20.612**Critical areas.**

“Critical areas” means any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat areas of importance, frequently flooded areas, *geologically hazardous areas*, *streams*, and *wetlands*, as defined in Chapter 36.70A RCW and this chapter. [Ord. 06-0244 § 21.]

18.20.614**Critical area tract.**

“Critical area tract” means land held in *private* ownership and retained in an undeveloped condition in perpetuity for the protection of *critical areas*. Lands within this type of dedication may include, but are not limited to, portions and combinations of forest habitats, grasslands, *geologically hazardous areas*, on-site watersheds, 100-year *floodplains*, shorelines or shorelines of statewide significance, *riparian* areas, and *wetlands*. [Ord. 06-0244 § 22.]

18.20.630**Critical facility.**

“Critical facility” means a facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of “essential facilities”, “hazardous facilities” and “special occupancy structures” in the International Building Code. Critical facilities also include nursing homes, public roadway bridges, and sites for *hazardous substance* storage or production, not including the temporary storage of consumer products containing *hazardous substances* intended for household use or for retail sale on the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.260).]

18.20.632**Critical root zone (CRZ).**

“Critical root zone” is the area where the *tree*’s essential mass of roots are located. This root zone is generally the area surrounding a *tree* at a distance which is equal to one foot for every inch of trunk *diameter at breast height* or the area of a circle with radius extending from a *tree*’s trunk to a point no less than the end of a *tree*’s longest branch, whichever is greater.

18.20.633**Crown.**

“Crown” means the area of a *tree* containing leaf or needle-bearing branches.

18.20.635**Cultural facilities.**

“Cultural facilities” means facilities which offer passive entertainment and enjoyment activities to the general public. This definition includes, but is not limited to, museums and libraries. [Ord. 03-0175 § 6.]

18.20.640**Daily care.**

“Daily care” means medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.262).]

18.20.650**Day care.**

“Day care” means an establishment for group care of nonresident adults or children.

A. Day care shall include only child day care services, adult day care centers and the following:

1. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
2. Nursery schools for children under minimum age for education in public schools;
3. Privately conducted kindergartens or prekindergartens when not a part of a public or parochial school; and
4. Programs covering after-school care for school children.

B. Day care establishments are subclassified as follows:

1. *Family child-care home*.
2. Day care I – A maximum of 12 adults or children in any 24-hour period; and
3. Day care II – Over 12 adults or children in any 24-hour period. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.265).]

18.20.655**Debris flow.**

“Debris flow” means a stream-like flow of muddy water filled with mixed sizes of sediment and rock. Debris flows are generated by sporadic heavy rains on steep slopes. [Ord. 06-0244 § 23.]

18.20.660**Deciduous.**

“Deciduous” means a plant species with foliage that is shed annually. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.270).]

18.20.665**Degraded wetland buffer.**

“Degraded wetland buffer” means a *buffer* area which cannot adequately protect its adjacent *wetland* due to one or more of the following existing conditions:

- A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);
- B. Significant cover (over 50 percent) in *nonnative vegetation*;
- C. Significant cover (over 50 percent) in invasive species or *noxious weeds*;
- D. Presence of existing nonconforming *structures* or improvements. [Ord. 06-0244 § 24.]

18.20.670**Density credit, transfer of (TDC).**

“Transfer of density credit (TDC)” means the ability to transfer potentially buildable *dwelling units* from an eligible *sending site* to an eligible *receiving site* as provided in this code. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.275).]

18.20.680**Department.**

“Department” means the *city* department or outside agency assigned by the *city manager* to administer a portion of the *city* code. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.280).]

18.20.690**Department and variety store.**

“Department and variety store” means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, gifts, novelties and souvenirs, luggage and leather goods, home furnishings, and housewares.

18.20.695**Designated manufactured home.**

“Designated manufactured home” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which meets the following conditions, as allowed under RCW 35A.21.312 and RCW 35.63.160:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with, and now has, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Residential Code single-family residences.

D. Is a “new manufactured home” as defined in RCW 35.63.160, meaning any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2);

E. Is set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;

F. Complies with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

G. Is thermally equivalent to the State Energy Code; and

H. This section does not override any legally recorded covenants or deed restrictions of record. [Ord. 07-0272 § 2.]

18.20.700**Destination resort.**

“Destination resort” means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.290).]

18.20.710**Developer.**

“Developer” means the person or entity that owns or holds purchase options or other development control over property for which *development* is proposed. (Also see “*Applicant*”, KMC 18.20.190.) [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.295).]

18.20.715**Development.**

“Development” means any activity upon the land consisting of construction or alteration of *structures*, earth movement, dredging, dumping, *grading*, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, *clearing of vegetation*, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing *use*. Development also includes approvals issued by the *city* that bind land to specific patterns of use, including, but not limited to, subdivisions, short subdivisions, zone changes, *conditional use permits*, and binding site plans. Development does not include the following activities:

A. Interior *building* improvements;

B. Exterior *structure* maintenance activities, including painting and roofing;

C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; or

D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries. [Ord. 06-0244 § 25.]

18.20.730**Development agreement.**

“Development agreement” means a recorded agreement between an *applicant* and the *city* which incorporates the site plans, development standards, and other features of a *development*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.305).]

18.20.735**Development permit.**

“Development permit” means any permit issued by the *city*, or other authorized agency, for construction, land use, or the alteration of land. [Ord. 06-0244 § 26.]

18.20.740**Development proposal.**

“Development proposal” means any activities requiring a permit or other approval from the *city* relative to the *use* or *development* of land. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.310).]

18.20.750**Development proposal site.**

“Development proposal site” means the legal boundaries of the parcel or parcels of land for which an *applicant* has or should have applied for authority from the *city* to carry out a *development proposal*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.315).]

18.20.752**Diameter at breast height (d.b.h.).**

“Diameter at breast height (d.b.h.)” means a *tree*’s diameter in inches at four and one-half feet above the ground. On multiple stemmed or trunked *trees*, the diameter shall be the sum of diameters of all individual stems or trunks.

18.20.755**Differential settlement.**

“Differential settlement” means nonuniform or uneven ground settlement that occurs over a relatively short distance, such as measured across the width of a residential *structure* (typically 25 feet). Differential settlement can result if a *structure* is underlain by dissimilar soils below portions of the *structure* (e.g., dense fill versus loose fill below parts of the *structure*), or by uneven ground settlement as could occur if the ground below a *structure* were to liquefy during strong earthquake shaking. [Ord. 06-0244 § 27.]

18.20.772**Dock.**

A “dock” is a platform built out from the shore into the water providing access to boats or other watercraft or for public viewing of the water. [Ord. 08-0293 § 2.]

18.20.775**Domiciliary care.**

“Domiciliary care” means:

- A. Assistance with activities of daily living provided by the licensee either directly or by contract;
- B. Assuming general responsibility for the safety and well-being of the resident; and
- C. Limited nursing services, if provided by the licensee. [Ord. 03-0175 § 6.]

18.20.780**Dormitory.**

“Dormitory” means a residential *building* that provides sleeping quarters, but not separate *dwelling units*, and may include common dining, cooking and recreation or bathing facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.330).]

18.20.785**Drive-through service.**

“Drive-through service” means a business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include, but not be limited to, fast-food restaurants,

espresso stands, and drive-in services at banks and pharmacies. This definition excludes automotive service and repair, gas stations, and *car washes*. [Ord. 03-0175 § 6.]

18.20.790**Drop box facility.**

“Drop box facility” means a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.335).]

18.20.800**Drug store.**

“Drug store” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, and tobacco stores and stands.

18.20.805**Durable materials.**

“Durable materials” means materials capable of withstanding wear and tear with limited maintenance required, long-term use, vandal resistant, and weather resistant.

18.20.810**Dwelling unit.**

“Dwelling unit” means one or more rooms designed for occupancy by a person or *family* for living and sleeping purposes, containing *kitchen facilities* and rooms with internal accessibility, for use solely by the dwelling’s occupants. [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.345).]

18.20.820**Dwelling unit, accessory.**

“Accessory dwelling unit” means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.350).]

18.20.835**Dwelling, multiple-family.**

“Dwelling, multiple-family” means a one-family dwelling attached to one or more one-family dwellings by common roofs, walls, or floors. Also includes one or more dwellings attached to nonresidential *uses*. This definition does not include *accessory dwelling units*, *community residential facilities*, or nursing and personal care facilities.

A. **Apartment.** A residential *building* containing two or more *dwelling units* which are attached at one or more common roofs, walls, or floors. Typically, the unit's habitable area is provided on a single level. Unit entrances may or may not be provided from a common corridor.

B. **Townhouse.** A one-family, ground-related dwelling attached to one or more such units in which each unit has its own exterior, ground-level access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. Typically the units are multi-story.

18.20.840**Dwelling unit, single detached.**

"Single detached dwelling unit" means a detached *building* containing one *dwelling unit* or an *adult family home*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.365).]

18.20.860**Earth station.**

"Earth station" means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish *antennas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.375).]

18.20.865**Educational institutions (public or private), K–12.**

"Educational institutions (public or private), K–12" means a public or *private* school encompassing grades K – 12. [Ord. 03-0175 § 6.]

18.20.870**Effective radiated power.**

"Effective radiated power" means the product of the *antenna* power input and the numerical *antenna* power gain. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.380).]

18.20.880**Electrical substation.**

"Electrical substation" means a *site* containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.390).]

18.20.885**Emergent wetland.**

"Emergent wetland" means a *wetland* with at least 30 percent of the surface area covered by erect, rooted, herbaceous *vegetation* extending above the water surface as the uppermost vegetative stratum. [Ord. 06-0244 § 28.]

18.20.890**Emergency.**

"Emergency" means an occurrence during which there is imminent danger to the public health, safety and welfare, or which poses an imminent risk to property, as a result of a natural or manmade catastrophe as so declared by the *city manager*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.392).]

18.20.900**Energy resource recovery facility.**

"Energy resource recovery facility" means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.395).]

18.20.910**Enhancement.**

“Enhancement” means actions taken to improve habitat or water quality function and/or wildlife use in a given area by planting native species, removing nonnative species, installing habitat *structures*, and any other measures approved by the *city*. [Ord. 06-0244 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.400).]

18.20.920**Equipment, heavy.**

“Heavy equipment” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- A. Carryalls;
- B. Graders;
- C. Loading and unloading devices;
- D. Cranes;
- E. Drag lines;
- F. Trench diggers;
- G. Tractors;
- H. Augers;
- I. Bulldozers;
- J. Concrete mixers and conveyers;
- K. Harvesters;
- L. Combines; or
- M. Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.405).]

18.20.930**Erosion.**

“Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.410).]

18.20.940**Erosion hazard areas.**

“Erosion hazard areas” means those areas identified by the United States Department of Agriculture Natural Resources Conservation Service or identified by a special study as having a “moderate to severe” or “very severe” *erosion* potential. [Ord. 06-0244 § 4; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.415).]

18.20.950**Evergreen.**

“Evergreen” means a plant species with foliage that persists and remains green year round. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.420).]

18.20.965**Existing legal uses.**

Where the term “existing” or “existing legal” follows a listed *use* type, then those *uses* that can document their legal conforming status prior to April 28, 2003 are considered to be *permitted uses* and given all the rights of other *permitted uses* within the district, until such time as there is a change of *use* or abandonment as set forth in KMC 18.100.085. In addition, these *uses* may be rebuilt within the same footprint and floor area should they suffer damage; provided, that no new *nonconformances* with standards are created (e.g., *setbacks*), if any. These *uses* may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, *setbacks*, parking, etc.), unless otherwise specifically conditioned. [Ord. 03-0175 § 6.]

18.20.967**FAA.**

“FAA” means the Federal Aviation Administration.

18.20.970**Fabric shop.**

“Fabric shop” means an establishment engaged in the retail sale of sewing or needlework supplies and accessories, or awnings, banners or flags.

18.20.1000**Fairground.**

“Fairground” means a *site* permanently designated and improved for holding a fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

- A. Carnivals;
- B. Circuses;
- C. Expositions;
- D. Animal shows; and

E. Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.445).]

18.20.1010**Family.**

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.450).]

18.20.1012**Family child-care home.**

“Family child-care home” means a child day care provider who regularly provides child day care and early learning services for not more than twelve (12) children in the provider’s home in the family living-quarters, or as otherwise defined in RCW43.215.010.

18.20.1015**FCC.**

“FCC” means the Federal Communications Commission.

18.20.1020**Federal Emergency Management Agency (FEMA) floodway.**

“Federal Emergency Management Agency (FEMA) floodway” means the channel of the *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without increasing the *base flood elevation* more than one foot. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.455).]

18.20.1040**Fence.**

“Fence” means a barrier for the purpose of enclosing space or separating *lots*, composed of:

- A. Masonry or concrete walls, excluding *retaining walls*; or

B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.465).]

18.20.1050**Financial guarantee.**

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with this code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and/or other forms of financial security acceptable to the *city manager*. For the purposes of this title, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered subcategories of financial guarantee. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.467).]

18.20.1052**First floor facades.**

“First floor facades” means, for the purposes of determining priority design standards, the following categories of regulations when applied to the *ground floor of buildings*: *Ground floor facades*, *ground floor transparency* and visibility, *blank wall* and side wall, and building materials.

18.20.1055**Fish habitat.**

“Fish habitat” means habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by *restoration* or management and off-channel habitat. [Ord. 06-0244 § 29.]

18.20.1060**Flood fringe.**

“Flood fringe” means that portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.470).]

18.20.1070**Flood hazard areas.**

“Flood hazard areas” means those areas in the *city* subject to inundation by the *base flood* and those areas subject to risk from *channel relocation* or *stream meander* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.475).]

18.20.1080**Flood insurance rate map (FIRM).**

“Flood insurance rate map” means the official map on which the Federal Insurance Administration has delineated some *flood hazard areas*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.480).]

18.20.1090**Flood insurance study for King County.**

“Flood insurance study for King County” means the official report provided by the Federal Insurance Administration which includes flood profiles and the *flood insurance rate map*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.485).]

18.20.1100**Flood protection elevation.**

“Flood protection elevation” means an elevation which is one foot above the *base flood elevation*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.490).]

18.20.1110**Floodplain.**

“Floodplain” means the total area subject to inundation by the *base flood*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.495).]

18.20.1120**Floodproofing.**

“Floodproofing” means adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.500).]

18.20.1130**Floodway, zero-rise.**

“Zero-rise floodway” means the channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to *development* in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *flood insurance study for King County*, are considered the boundaries of the *zero-rise floodway* unless otherwise delineated by a *critical area* special study. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.505).]

18.20.1135**Floor area ratio (FAR).**

“Floor area ratio (FAR)” means a measure of development intensity equal to the gross building floor area, divided by the *site area*. [Ord. 03-0175 § 6.]

18.20.1140**Florist shop.**

“Florist shop” means an establishment engaged in the retail sale of flowers and plants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.510).]

18.20.1150**Forest practice.**

“Forest practice” means any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter 79.06 RCW for which a forest practice permit is required, together with:

- A. Fire prevention, detection and suppression; and
- B. Slash burning or removal. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.520).]

18.20.1160**Forest product sales.**

“Forest product sales” means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- A. *Trees*;
- B. Wood chips;
- C. Logs;
- D. Fuelwood;
- E. Cones;
- F. Christmas trees;
- G. Berries;
- H. Herbs; or
- I. Mushrooms. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.525).]

18.20.1170**Forest research.**

“Forest research” means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands.

18.20.1185**Functions and values.**

“Functions and values” means the beneficial roles served by *critical areas* including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, *erosion* control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority. [Ord. 06-0244 § 30.]

18.20.1190**Furniture and home furnishings store.**

“Furniture and home furnishings store” means an establishment engaged in the retail sale of household furniture and furnishings for the home.

18.20.1200**General business service.**

“General business service” means an establishment engaged in providing services to businesses or individuals, with no *outdoor storage* or fabrication, including banks, brokerages, insurance offices, real estate offices, and membership organizations.

18.20.1202**General personal service use.**

“General personal service use” means drycleaning and laundry services, linen suppliers, diaper services, carpet and upholstery cleaning services, portrait studios, clothing alteration and repair services, beauty and barber shops, shoe repair shops, tax return preparation services, and other miscellaneous personal services.

18.20.1203**General services land uses.**

“General services land uses” means *general personal service use*; drycleaning plants; industrial launderers; funeral home/crematory; *cemetery, columbarium or mausoleum*; *day care I*; *day care II*; veterinary clinic; automotive repair (except tire retreading); automotive service; *miscellaneous repair*; *church, mosque, temple*; *social services* (except *day care* services and residential care); *stable*; *kennel* or *cattery*; *theatrical production services*; *artist studios*; *interim recycling facility*; medical/dental office/outpatient clinic; nursing and personal care facilities; hospital; medical/dental lab; *miscellaneous health services*; *elementary school*; *middle/junior high school*; *secondary or high school*; *vocational school*; *specialized instruction school*; and *school district support facility*.

18.20.1205**Geologically hazardous areas.**

“Geologically hazardous areas” means areas that may not be suited to *development* consistent with public health, safety or environmental standards because of their susceptibility to *erosion*, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: *erosion, landslide*, seismic, and other hazards. [Ord. 06-0244 § 31.]

18.20.1210**Geologist.**

“Geologist” means a person who has earned at least a Bachelor of Science degree in the geological sciences from an accredited college or university or who has equivalent educational training and at least four years of professional experience. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.545).]

18.20.1230**Golf course facility.**

“Golf course facility” means a recreational facility, under public or *private* ownership, designed and developed for golf activities with *accessory uses* including, but not limited to:

- A. A driving range;
- B. Miniature golf;
- C. *Pro shops*;
- D. Caddyshack buildings;
- E. Swimming pools, tennis courts and other related *recreational facilities*;
- F. Restaurants;
- G. Office and meeting rooms; and
- H. Related storage facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.555).]

18.20.1233**Government/business services land uses.**

“Government/business services land uses” means *public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; vector waste receiving facility; construction and trade; individual transportation and taxi; trucking and courier service; warehousing and wholesale trade (except self-service storage); self-service storage; farm product warehousing, refrigeration and storage; log storage; transportation service; freight and cargo service; passenger transportation service; communication offices; telegraph and other communications; general business service; professional office; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; automotive parking; professional sport teams/promoters; research, development and testing; heavy equipment and truck repair; commercial/industrial accessory uses; and helistop.*

18.20.1235**Government facilities, city.**

“Government facilities, city” means facilities of any unit of *city* government. Types of facilities include municipal offices, community centers, courts of law, public works maintenance facilities, and other types of municipal facilities. [Ord. 03-0175 § 6.]

18.20.1240**Grade span.**

“Grade span” means the categories into which a district groups its grades of students; i.e., *elementary, middle or junior high school, and high school.* [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.560).]

18.20.1250**Grading.**

“Grading” means any excavation, filling, removing the duff layer or any combination thereof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.565).]

18.20.1260**Grazing area.**

“Grazing area” means any open land area used to pasture *livestock* in which suitable forage is maintained over 80 percent of the area at all times of the year. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.570).]

18.20.1270**Groundcover.**

“Groundcover” means living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against *erosion*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.575).]

18.20.1272**Ground floor.**

“Ground floor” means the level of a *building* accessible from public walkways or public sidewalks that is typically at grade level. Building levels below ground are not considered ground floors.

18.20.1273**Grove.**

“Grove” means a contiguous grouping of *trees* standing in close proximity, which form a continuous canopy and/or are mutually dependant.

18.20.1275**Hazard areas.**

“Hazard areas” means areas designated as frequently flooded areas or *geologically hazardous areas* due to potential for *erosion*, *landslide*, seismic activity, or other geological condition. [Ord. 06-0244 § 32.]

18.20.1280**Hazardous household substance.**

“Hazardous household substance” means a substance as defined in RCW 70.105.010. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.580).]

18.20.1290**Hazardous liquid and gas transmission pipelines.**

“Hazardous liquid and gas transmission pipelines” are as defined by RCW 81.88.040 and WAC 480-93-005. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.582).]

18.20.1300**Hazardous substance.**

“Hazardous substance” means a substance as defined in RCW 70.105.010. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.585).]

18.20.1305**Health services, miscellaneous.**

“Health services, miscellaneous” includes home health care services, kidney dialysis centers, special outpatient facilities, such as family planning centers and outpatient mental health facilities, blood and organ banks, medical photography, and childbirth preparation classes, as well as other miscellaneous ambulatory health care services.

18.20.1307**Hearing examiner.**

“Hearing examiner” means the hearing examiner as established by Chapter 19.30 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.425).]

18.20.1310**Heavy equipment and truck repair.**

“Heavy equipment and truck repair” means the repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks,

graders, backhoes, tractor trailers, cranes, lifts, but excluding automobiles and pickup trucks under 10,000 pounds, *recreational vehicles*, boats and their trailers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.590).]

18.20.1320**Helistop.**

“Helistop” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangars, maintenance or overhaul facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.595).]

18.20.1330**Historic resource.**

“Historic resource” means a district, site, *building*, *structure* or object significant in national, state or local history, architecture, archaeology, and culture. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.597).]

18.20.1350**Hobby, toy, game shop.**

“Hobby, toy, game shop” means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including coin shops and stamp sales.

18.20.1360**Home industry.**

“Home industry” means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or residential accessory *building*, or in a barn or other resource accessory *building* and is subordinate to the primary *use* of the *site* as a residence. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.605).]

18.20.1370**Home occupation.**

“Home occupation” means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or accessory *building* and is subordinate to the primary *use* of the *site* as a residence. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.610).]

18.20.1375**Hotel.**

“Hotel” means a *building* or portion thereof designed or used for transient rental for sleeping purposes. Hotel *structures* are at least two stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central *kitchen* and dining room and accessory shops and services catering to the general public may be provided. Not included in this definition are *townhouses*, *apartments*, bed and breakfasts, or *motels*. [Ord. 03-0175 § 6.]

18.20.1380**Household pets.**

“Household pets” means small animals that are kept within a *dwelling unit*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.615).]

18.20.1381**Human-scaled elements.**

“Human-scaled elements” means the perceived size of a *building* or space relative to the human body. Human-scaled elements such as doors, windows, bays, etc., have dimensions and proportions which respond to the size of a human body.

18.20.1382**Hydraulic project approval (HPA).**

“Hydraulic project approval” means a permit issued by the Washington State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW. [Ord. 06-0244 § 33.]

18.20.1390**Hydroelectric generation facility.**

“Hydroelectric generation facility” means an establishment for the generation of electricity using water sources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.620).]

18.20.1400**Impervious surface.**

“Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to *development*, and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to *development*. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Impervious surface shall not include areas of turf, landscaping, natural *vegetation*, or open uncovered flow control or water quality treatment facilities. [Ord. 06-0244 § 5; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.625).]

18.20.1420**Individual transportation and taxi.**

“Individual transportation and taxi” means an establishment engaged in furnishing individual or small group transportation by motor vehicle.

18.20.1430**Infiltration rate.**

“Infiltration rate” means the rate of water entry into the soil expressed in inches per hour. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.637).]

18.20.1435**In-kind.**

“In-kind” means to replace *critical areas* with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. [Ord. 06-0244 § 35.]

18.20.1440**Interim recycling facility.**

“Interim recycling facility” means a *site* or establishment engaged in collection or treatment of *recyclable materials*, which is not the final disposal site, and including:

- A. Drop boxes;
- B. Source-separated, *organic waste processing* facilities; and
- C. Collection, separation and shipment of glass, metal, paper or other recyclables. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.640).]

18.20.1470**Jail.**

“Jail” means a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.645).]

18.20.1480**Jail farm.**

“Jail farm” means a farm or camp on which persons convicted of minor law violations are confined and participate in agriculture and other work activities of the facility. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.650).]

18.20.1490**Jewelry store.**

“Jewelry store” means an establishment engaged in the retail sale of a variety of jewelry products, including gemstones and rock specimens.

18.20.1500**Joint use driveway.**

“Joint use driveway” means a jointly owned and/or maintained vehicular access to two residential properties. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.658).]

18.20.1510**Kennel.**

“Kennel” means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.660).]

18.20.1520**Kitchen or kitchen facility.**

“Kitchen or kitchen facility” means an area within a *building* intended for the preparation and storage of food and containing:

- A. An appliance for the refrigeration of food;
- B. An appliance for the cooking or heating of food; and
- C. A sink. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.662).]

18.20.1530**Landfill.**

“Landfill” means a disposal *site* or part of a *site* at which refuse is deposited. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.665).]

18.20.1540**Landscape water features.**

“Landscape water features” means a pond, pool or fountain used as a decorative component of a *development*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.667).]

18.20.1550**Landscaping.**

“Landscaping” means live vegetative materials required for a *development*. Said materials provided along the boundaries of a *development site* is referred to as perimeter landscaping. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.670).]

18.20.1560**Landslide.**

“Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.675).]

18.20.1570**Landslide hazard areas.**

“Landslide hazard areas” means areas that are potentially subject to risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors. [Ord. 06-0244 § 6; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.680).]

18.20.1575**Lattice-work tower.**

“Lattice-work tower” means a *transmission support structure* that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

18.20.1580**Level of service (LOS) traffic.**

“Level of service (LOS) traffic” means a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated in accordance with Chapters 12.75 and 12.80 KMC. LOS “A” indicates free flow of traffic with no delays while LOS “F” indicates jammed conditions or extensive delay. [Ord. 08-0292 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.685).]

18.20.1590**Light equipment.**

“Light equipment” means hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.690).]

18.20.1600**Livestock.**

“Livestock” means grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to:

- A. Cattle;
- B. Riding and draft horses;
- C. Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*;
- D. Sheep; and
- E. Goats. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.695).]

18.20.1610**Livestock, large.**

“Large livestock” means cattle, horses, and other *livestock* generally weighing over 500 pounds. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.700).]

18.20.1620**Livestock, small.**

“Small livestock” means hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*, sheep, goats, miniature horses, llamas, alpaca and other *livestock* generally weighing under 500 pounds. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.705).]

18.20.1630**Livestock sales.**

“Livestock sales” means the sale of *livestock* but not including auctions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.710).]

18.20.1640**Loading space.**

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.715).]

18.20.1650**Log storage.**

“Log storage” means a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.720).]

18.20.1660**Lot.**

“Lot” means a physically separate and distinct parcel of property, which has been created pursuant to KMC Title 17, Land Division. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.725).]

18.20.1670**Lot line, interior.**

“Interior lot line” means lot lines that delineate property boundaries along those portions of the property which do not abut a *street*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.730).]

18.20.1671**Low impact development (LID).**

“Low impact development” means a stormwater management and land development strategy that emphasizes conservation and use of existing natural site features integrated with distributed small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings.

18.20.1675**Manufactured home.**

“Manufactured home” is defined under WAC 296-150M-0020. The term “manufactured home” does not include a “*recreational vehicle*.” [Ord. 07-0272 § 2.]

18.20.1677**Manufacturing land uses.**

“Manufacturing land uses” means food and kindred products manufacture; winery/brewery; textile mill products; apparel and other textile products manufacture; wood products manufacture, except furniture; furniture and fixtures manufacture; paper and allied products manufacture; printing and publishing; chemicals and allied products manufacture; petroleum refining and related industries; rubber and misc. plastics products manufacture; leather and leather goods manufacture; stone, clay, glass and concrete products manufacture; primary metal industries; fabricated metal products; industrial and commercial machinery manufacture; heavy machinery and equipment manufacture; computer and office equipment manufacture; electronic and other electric equipment manufacture; railroad equipment manufacture; guided missile and space vehicle parts manufacture; miscellaneous transportation vehicles manufacture; measuring and controlling instruments manufacture; miscellaneous light manufacturing; *motor vehicle and bicycle manufacturing; aircraft, ship and boat building*; tire retreading; and movie production/distribution.

18.20.1680**Marina.**

“Marina” means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and accessory facilities including, but not limited to:

A. Showers;

- B. Toilets; and
- C. Self-service laundries. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.735).]

18.20.1683**Mass wasting.**

“Mass wasting” means the spontaneous downhill movement of soil and/or rock under the influence of gravity. [Ord. 06-0244 § 36.]

18.20.1685**Master plan.**

A “master plan” consists of a narrative description and map conceptually describing long-term land uses, circulation and infrastructure, *open space*, and development phasing for an area or property to guide future *development*. [Ord. 08-0293 § 2.]

18.20.1695**Medical/dental office/outpatient clinic.**

“Medical/dental office/outpatient clinic” means establishments of licensed practitioners having the appropriate degree to practice medicine, dentistry, osteopathy, chiropractics, podiatry, optometry, and other health practitioners. This definition also includes the indoor retail sale of personal medical supplies as an ancillary operation. [Ord. 03-0175 § 6.]

18.20.1700**Microwave.**

“Microwave” means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.745).]

18.20.1705**Miscellaneous repair.**

“Miscellaneous repair” means repair of nonpersonal/nonhousehold items, except nonmotorized vehicle repair. This definition excludes *on-site services*. [Ord. 03-0175 § 6.]

18.20.1710**Mitigation.**

“Mitigation” means the use of any or all of the following actions listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected *critical area* or *buffer*;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the *development proposal*;
- E. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and
- F. Monitoring the impact and taking appropriate corrective measures. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.750).]

18.20.1720**Mitigation bank.**

“Mitigation bank” means a property that has been protected in perpetuity, and approved by appropriate county, state and federal agencies expressly for the purpose of providing compensatory *mitigation* in advance of authorized impacts through *restoration*, creation, and/or *enhancement* of *wetlands*, and in exceptional

circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.751).]

18.20.1730**Mitigation banking.**

“Mitigation banking” means a system for providing compensatory *mitigation* in advance of authorized *wetland* impacts of *development* in the *city* in which credits are generated through *restoration*, creation, and/or *enhancement* of *wetlands*, and in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.752).]

18.20.1740**Mixed use development.**

“Mixed use development” means a combination of residential and nonresidential *uses* within the same *building* or *site* as part of an integrated *development* project with functional interrelationships and coherent physical design. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.753).]

18.20.1745**Mobile food vendor.**

“Mobile food vendor” means retail sale of food or beverages from a cart on a nonfixed foundation which is typically removed daily at the close of business, and is located on a sidewalk or near a storefront. [Ord. 03-0175 § 6.]

18.20.1750**Mobile home.**

“Mobile home” is defined under WAC 296-150M-0020. [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.755).]

18.20.1760**Mobile home park.**

“Mobile home park” means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes*, *manufactured homes*, or *designated manufactured homes*. [Ord. 07-0272 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.760).]

18.20.1762**Modification.**

For purposes of KMC Chapter 18.60, “modification” means any structural change, addition, or alteration that was not included in an approved site plan. Modifications shall include increased heights and changes in *antenna* type.

18.20.1765**Modulation.**

“Modulation” means variations in a *building facade* through the use of setbacks, upper level stepbacks, and/or projections from the *building* which serve to break up the apparent mass and bulk of a *building*.

18.20.1770**Monitoring.**

For purposes of KMC Chapter 18.55, “monitoring” means evaluating the impacts of *development proposals* on the biological, hydrological, and geological elements of *critical areas* and assessing the performance of required *mitigation* measures throughout the collection and analysis of data by various methods. Monitoring serves the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data. [Ord. 06-0244 § 7; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.765).]

18.20.1775**Monopole tower.**

“Monopole tower” means a *transmission support structure* consisting of a single pole, without guy wires or ground anchors.

18.20.1785**Motel.**

“Motel” means a *building* or group of detached or connected *buildings* designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a *parking space* adjacent to a sleeping accommodation. This definition excludes *townhouses, apartments, bed and breakfast guesthouses, and hotels*. [Ord. 03-0175 § 6.]

18.20.1790**Motor vehicle and boat dealers.**

“Motor vehicle and boat dealers” means establishments engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, or boats.

18.20.1800**Motor vehicle and bicycle manufacturing.**

“Motor vehicle and bicycle manufacturing” means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles.

18.20.1810**Mulch.**

“Mulch” means any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.782).]

18.20.1820**Municipal water production.**

“Municipal water production” means the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.785).]

18.20.1830**Native vegetation.**

“Native vegetation” means *vegetation* comprised of plant species, other than *noxious weeds*, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.790).]

18.20.1850**Net buildable area.**

“Net buildable area” means the “*site area*” less the following areas:

A. Areas within or on the perimeter of a project *site* which are required to be dedicated for public rights-of-way;

B. *Critical areas* and their *buffers* to the extent they are required by the *city* to remain undeveloped;

C. Areas required for stormwater control facilities other than facilities which are completely underground, including but not limited to, retention/detention ponds, biofiltration swales and setbacks from such ponds and swales;

D. Areas required by the *city* to be dedicated or reserved as on-site recreation areas;

E. *Regional utility corridors*;

F. Other areas, excluding *setbacks*, required by the *city* to remain undeveloped. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.797).]

18.20.1860**Nonconformance.**

“Nonconformance” means any *use*, improvement or *structure* established in conformance with the *city* rules and regulations in effect at the time of establishment that no longer conforms to the range of *uses* permitted in the *site*’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.800).]

18.20.1870**Nonhydroelectric generation facility.**

“Nonhydroelectric generation facility” means an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.805).]

18.20.1875**Nonindigenous.**

“Nonindigenous” means any species of plants or animals not native to the Puget Sound region. [Ord. 06-0244 § 37.]

18.20.1880**Nonionizing electromagnetic radiation (NIER).**

“Nonionizing electromagnetic radiation (NIER)” means electromagnetic radiation of low photon energy unable to cause ionization. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.810).]

18.20.1890**Noxious weed.**

“Noxious weed” means any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.815).]

18.20.1900**Off-street required parking lot.**

“Off-street required parking lot” means parking facilities constructed to meet the off-street parking requirements of Chapter 18.40 KMC for land uses located on a *lot* separate from the parking facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.817).]

18.20.1910**Open space.**

“Open space” means areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective *buffers* for *critical areas*, provide a visual contrast to continuous *development*, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.819).]

18.20.1920**Open-work fence.**

“Open-work fence” means a *fence* in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.820).]

18.20.1930**Ordinary high water mark.**

“Ordinary high water mark” means the mark found by examining the bed and banks of a *stream* or lake and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the

ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.825).]

18.20.1940**Outdoor performance center.**

“Outdoor performance center” means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.830).]

18.20.1945**Outdoor retail display/sidewalk sale.**

“Outdoor retail display/sidewalk sale” means exhibit of goods which are directly accessible to the public for retail sale. These display areas are accessory to the principal indoor retail *use*. [Ord. 03-0175 § 6.]

18.20.1960**Park.**

“Park” means a *site* designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

1. Gymnasiums;
2. Swimming pools; or
3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;
2. Fishing areas;
3. Picnic and related outdoor activity areas; or
4. Approved *campgrounds*;

C. Areas and *trails* for:

1. Hikers;
2. Equestrians;
3. Bicyclists; or
4. Off-road recreational vehicle users;

D. Areas provided under KMC 18.30.120 or 18.30.140;

E. Facilities for on-site maintenance. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.835).]

18.20.2000**Parking space.**

“Parking space” means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.855).]

18.20.2030**Peak hour.**

“Peak hour” means the hour during the morning or afternoon when the most critical *level of service* occurs for a particular roadway or intersection. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.870).]

18.20.2035**Pedestrian walkway.**

“Pedestrian walkway” means a public walkway that connects public *streets* to other *streets*, walkways, *public spaces*, or drives. Public walkways should be lit for nighttime use and be aligned for maximum nighttime visibility.

18.20.2040**Permanent school facilities.**

“Permanent school facilities” means facilities of a *school district* with a fixed foundation which are not *relocatable facilities*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.875).]

18.20.2050**Personal medical supply store.**

“Personal medical supply store” means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs.

18.20.2060**Pet shop.**

“Pet shop” means an establishment engaged in the retail sale of *household pets*, *small animals*, or their supplies or grooming.

18.20.2070**Photographic and electronic shop.**

“Photographic and electronic shop” means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including radio, television and consumer electronic stores, and computer and computer software stores.

18.20.2102**Practical alternative.**

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to *critical areas*. [Ord. 06-0244 § 40.]

18.20.2104**Priority habitat.**

“Priority habitat” means a habitat type or elements with unique or significant value to one or more *species* as classified by the Washington State Department of Fish and Wildlife. A priority habitat may consist of a unique *vegetation* type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34)). [Ord. 06-0244 § 41.]

18.20.2110**Private.**

“Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.900).]

18.20.2120**Private stormwater management facility.**

“Private stormwater management facility” means a surface water control *structure* installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such *structure*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.905).]

18.20.2130**Professional office.**

“Professional office” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other

academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities.

18.20.2135**Pro shop.**

A “pro shop” is a *building* or room where the retail operation of a golf course takes place. The functions of a pro shop may include, but are not limited to, tee time reservations, club fitting, handicap posting area, and sales of golf equipment, clothing, accessories, and similar items. [Ord. 08-0293 § 2.]

18.20.2140**Public agency.**

“Public agency” means any agency, political subdivision or unit of government including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.915).]

18.20.2150**Public agency animal control facility.**

“Public agency animal control facility” means a facility for the impoundment and disposal of stray or abandoned *household pets* or *small animals*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.920).]

18.20.2160**Public agency archive.**

“Public agency archive” means a facility for the enclosed storage of *public agency* documents or related materials, excluding storage of vehicles, equipment, or similar materials. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.925).]

18.20.2170**Public agency or utility office.**

“Public agency or utility office” means an office for the administration of any governmental or utility activity or program, with no *outdoor storage*.

18.20.2180**Public agency or utility yard.**

“Public agency or utility yard” means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.935).]

18.20.2190**Public agency training facility.**

“Public agency training facility” means an establishment or school for training state and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

- A. Dining and overnight accommodations;
- B. Classrooms;
- C. *Shooting ranges*;
- D. Auto test tracks; and
- E. Fire suppression simulations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.940).]

18.20.2195**Public space/public open space.**

“Public space/public open space” means an open space or plaza in an area between a *building* and a *street* or *pedestrian walkway* where people gather or sit. Public spaces are open for public use during the daytime

and evening and are visible from adjacent *streets*. Public spaces contain site furnishings, artwork, landscaping, pedestrian lighting, and other amenities which make the space comfortable and inviting. Public spaces may be government owned or dedicated property or areas open to all persons by design or intent.

18.20.2202**Public view.**

“Public view” means areas which are visible from adjacent public *streets*, walkways, or *public spaces*.

18.20.2205**Qualified professional.**

“Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant *critical area* subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology, geomorphology or a related field, and have two years of related work experience.

A. A qualified professional for habitats or *wetlands* must have a degree in biology and professional experience related to the subject *species*;

B. A qualified professional for a geological hazard must be a professional engineer or *geologist* licensed in the state of Washington. [Ord. 06-0244 § 42.]

18.20.2207**Qualified tree protection professional.**

“Qualified tree protection professional” means a licensed professional with academic and/or field experience that makes her or him a recognized expert in *tree* preservation and management. The tree protection professional may be an arborist certified by the International Society of Arboriculture or be an arborist registered with the American Society of Consulting Arborists, and shall have specific experience with *tree* management in the state of Washington. A qualified tree protection professional must possess the ability to evaluate the health and hazard potential of existing *trees*, and the ability to prescribe appropriate measures necessary for the preservation of *trees* during *development*.

18.20.2210**Radio frequency.**

“Radio frequency” means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.945).]

18.20.2220**Reasonable use.**

“Reasonable use” means a legal concept articulated by federal and state courts in regulatory taking cases. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.950).]

18.20.2230**Receiving site.**

“Receiving site” means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to the *city*, or another qualifying agency, the development potential of an associated *sending site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.955).]

18.20.2231**Reclassification.**

“Reclassification” means a change in the zone classification on the zoning map pursuant to a Type 4 land use permit decision, where the reclassification is not related to a comprehensive plan land use map amendment.

18.20.2232**Recreational/cultural land uses.**

“Recreational/cultural land uses” means *park; trails; campgrounds; destination resorts; marina; recreational vehicle park; sports club; adult entertainment business; theater; theater, drive-in; bowling center; golf facility; amusement and recreation services; shooting range; amusement arcades; amusement park; outdoor performance center; library; museum; arboretum; and conference center.*

18.20.2234**Recreational facilities, indoor.**

“Recreational facilities, indoor” means a place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasiums, *amusement arcades, sports clubs, bowling alleys, and indoor swimming pools.* This definition excludes sports arenas, shooting galleries, and outdoor recreation facilities. [Ord. 03-0175 § 6.]

18.20.2237**Recreational facilities, outdoor.**

“Recreational facilities, outdoor” means a place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: *private outdoor tennis courts, private outdoor swimming pools, batting cages, miniature golf courses, golf driving ranges, and playgrounds.* This definition excludes *marinas, parks, golf courses and sports arenas.* [Ord. 03-0175 § 6.]

18.20.2240**Recreational vehicle (RV).**

“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

- A. Travel trailer;
- B. Folding camping trailer;
- C. Park trailer;
- D. Truck camper;
- E. Park trailer;
- F. Motor home; and
- G. Multi-use vehicle. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.960).]

18.20.2250**Recreational vehicle parks.**

“Recreational vehicle parks” means the use of land upon which two or more *recreational vehicle sites*, including hook up facilities, are located for occupancy by the general public of *recreational vehicles* as temporary living quarters for recreation or vacation purposes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.965).]

18.20.2260**Recyclable material.**

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.970).]

18.20.2275**Regional land uses**

“Regional land uses” means *jail; jail farm/camp; work release facility; public agency animal control facility; public agency training facility; hydroelectric generation facility; nonhydroelectric generation facility; communication facility; earth station; oil and gas extraction; energy resource recovery facility; soil recycling facility; landfill; transfer station; wastewater treatment facility; municipal water production; airport/heliport; transit bus base; school bus base; racetrack; fairground; zoo/wildlife exhibit (except arboretum); stadium/arena; college/university (except technical institutions); and secure community transition facilities.*

18.20.2280**Regional stormwater management facility.**

“Regional stormwater management facility” means a surface water control *structure* installed in or adjacent to a *stream* or *wetland* of a basin or *sub-basin* by the *department* or a project proponent. Such facilities protect downstream areas identified by the *department* as having previously existing or predicted significant regional basin flooding or *erosion* problems. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.975).]

18.20.2290**Regional utility corridor.**

“Regional utility corridor” means a right-of-way tract or easement other than a *street* right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual *lots* or *developments* are not regional utility corridors. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.980).]

18.20.2310**Relocatable facility.**

“Relocatable facility” means any factory-built *structure*, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential *developments* and the date that construction is completed on *permanent school facilities*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.990).]

18.20.2320**Relocation facilities.**

“Relocation facilities” means housing units within the *city* that provide housing to persons who have been involuntarily displaced from other housing units within the *city* as a result of conversion of their housing unit to other land uses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.995).]

18.20.2325**Residential land uses.**

“Residential land uses” means *single detached dwelling unit; townhouse; apartment; mobile home and manufactured home; mobile home park; family child-care home; community residential facility I; community residential facility II; assisted living; dormitory; residential accessory uses; home occupation; home industry; hotel/motel (except bed and breakfast guesthouses); bed and breakfast guesthouse; and organization hotel/lodging houses.*

18.20.2327**Resource land uses.**

“Resource land uses” means growing and harvesting crops; raising *livestock* and *small animals*; growing and harvesting forest products; *forest research*; hatchery/fish preserve; aquaculture; *wildlife shelters*; mineral extraction and processing; asphalt/concrete mixtures and block manufacture; and *resource accessory uses.*

18.20.2330**Restoration.**

“Restoration” means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged *wetlands, streams*, protected habitat, or their *buffers* to the functioning condition that existed prior to an unauthorized *alteration*; and

B. Actions performed to reestablish structural and functional characteristics of the *critical area* that have been lost by *alteration*, past management activities, or catastrophic events. [Ord. 06-0244 § 8; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1000).]

18.20.2350**Retail, comparison.**

“Comparison retail” provides for the sale of comparison goods and services and is centrally located in the community or region. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1005).]

18.20.2362**Retail land uses.**

“Retail land uses” means *building, hardware and garden materials stores; forest product sales; department and variety stores; food stores; agricultural product sales; motor vehicle and boat dealers; auto supply stores; gasoline service stations; apparel and accessory stores; furniture and home furnishings stores; eating and drinking places; drug stores; liquor stores; used goods; antiques/secondhand shops; sporting goods and related stores; book, stationery, video and art supply stores; jewelry stores; monuments, tombstones, and gravestones sales; hobby, toy, game shops; photographic and electronic shops; fabric shops; fuel dealers; florist shops; personal medical supply stores; pet shops; bulk retail; auction houses; and livestock sales.*

18.20.2364**Retail sales.**

“Retail sales” means establishments within a permanent *structure* of less than 65,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes *auction houses*, auto supply stores, *bulk retail*, outdoor retail sales, *motor vehicle and boat dealers*, and eating and drinking places. [Ord. 03-0175 § 6.]

18.20.2367**Retail sales, outdoor.**

“Retail sales, outdoor” means the display and sale of products and services primarily outside of a *building* or *structure*, including but not limited to garden supplies, tires and motor oil, *manufactured homes*, burial monuments, building and landscape materials, and lumber yards. This definition excludes *motor vehicle and boat dealers, outdoor retail display/sidewalk sales, mobile food vendors, city-authorized temporary uses, or city-authorized uses* allowed in public plazas or outdoor performance spaces on a temporary but regular basis. [Ord. 03-0175 § 6.]

18.20.2370**Retaining wall.**

“Retaining wall” means any wall used to resist the lateral displacement of any material. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1011).]

18.20.2375**Riparian.**

“Riparian” means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the *ordinary high water mark* or from the top of bank if

the *ordinary high water mark* cannot be identified. It includes the entire extent of the *floodplain* and the extent of *vegetation* adapted to wet conditions as well as adjacent upland plant communities that directly influence the aquatic system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. [Ord. 06-0244 § 43.]

18.20.2410**Salmonid.**

“Salmonid” means a member of the fish family Salmonidae, such as Chinook, coho, chum, sockeye salmon, bull trout and cutthroat trout. [Ord. 06-0244 § 9; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1015).]

18.20.2420**School bus base.**

“School bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1020).]

18.20.2430**School district.**

“School district” means any school district in Kenmore. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1025).]

18.20.2440**School district support facility.**

“School district support facility” means *uses* (excluding schools and bus bases) that are required for the operation of a *school district*. This term includes *school district* administrative offices, centralized *kitchens*, and maintenance or storage facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1030).]

18.20.2450**Schools, elementary, and middle/junior high.**

“Schools, elementary, and middle/junior high” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1035).]

18.20.2460**Schools, secondary or high school.**

“Schools, secondary or high school” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1040).]

18.20.2462**Section 404 permit.**

“Section 404 permit” means a permit issued by the Corps of Engineers for the placement of dredge or fill material or *clearing* in waters of the U.S., including *wetlands*, in accordance with 33 USC Section 1344. [Ord. 06-0244 § 44.]

18.20.2465**Secure community transition facilities (SCTF).**

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW

71.09.250 and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary. [Ord. 02-0145 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1042).]

18.20.2470**Seismic hazard areas.**

“Seismic hazard areas” means areas in the *city* that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction. [Ord. 06-0244 § 10; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1045).]

18.20.2480**Self-service storage.**

“Self-service storage” means an establishment containing separate storage spaces that are leased or rented as individual units. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1050).]

18.20.2490**Sending site.**

“Sending site” means land capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1055).]

18.20.2500**Senior citizen.**

“Senior citizen” means a person aged 62 or older. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1060).]

18.20.2524**Services, off-site.**

“Services, off-site” means establishments primarily engaged in providing individual or professional services at the customer’s home or place of business. Examples of off-site services include but are not limited to temporary employment services, janitorial services, and professional maid services. [Ord. 03-0175 § 6.]

18.20.2527**Services, on-site.**

“Services, on-site” means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, personal accountants, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and *miscellaneous repair*. [Ord. 03-0175 § 6.]

18.20.2530**Setback.**

“Setback” means the required distance between a *structure* and a specified line such as a lot, easement or *buffer* line that is required to remain free of *structures*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1070).]

18.20.2540**Shelters for temporary placement.**

“Shelters for temporary placement” means housing units within the *city* that provide housing to persons on a temporary basis for a duration not to exceed four weeks. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1075).]

18.20.2550**Shooting range.**

“Shooting range” means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1080).]

18.20.2560**Sign.**

“Sign” means any device, *structure*, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1085).]

18.20.2570**Sign, awning.**

“Awning sign” means a *sign* painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1090).]

18.20.2580**Sign, changing message center.**

“Changing message center sign” means an electrically controlled *sign* that contains advertising messages which changes at intervals of three minutes or greater. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1095).]

18.20.2590**Sign, community bulletin board.**

“Community bulletin board sign” means a permanent *sign* used to notify the public of community events and public services, and which contains no commercial advertising. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1100).]

18.20.2600**Sign, directional.**

“Directional sign” means a *sign* designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1105).]

18.20.2610**Sign, freestanding.**

“Freestanding sign” means a *sign* standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any *building* or *fence*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1110).]

18.20.2620**Sign, fuel price.**

“Fuel price sign” means a *sign* utilized to advertise the price of gasoline and/or diesel fuel. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1115).]

18.20.2630**Sign, incidental.**

“Incidental sign” means a *sign*, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to *signs* designating:

- A. Restrooms;
- B. Hours of operation;
- C. Acceptable credit cards;

- D. Property ownership or management;
- E. Phone booths; and
- F. Recycling containers. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1120).]

18.20.2640**Sign, indirectly illuminated.**

“Indirectly illuminated sign” means a *sign* that is illuminated entirely from an external artificial source. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1125).]

18.20.2650**Sign, monument.**

“Monument sign” means a *freestanding sign* that is above ground level and is anchored to the ground by a solid base, with no open space between the *sign* and the ground. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1130).]

18.20.2660**Sign, off-premises directional.**

“Off-premises directional sign” means a *sign* which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the *sign*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1135).]

18.20.2670**Sign, on-premises.**

“On-premises sign” means a *sign* which displays a message which is incidental to and directly associated with the *use* of the property on which it is located. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1140).]

18.20.2680**Sign, permanent residential development identification.**

“Permanent residential development identification sign” means a permanent *sign* identifying the residential *development* upon which the *sign* is located. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1145).]

18.20.2690**Sign, portable.**

“Portable sign” means a *sign* which is capable of being moved and is not permanently affixed to the ground, a *structure* or *building*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1150).]

18.20.2700**Sign, projecting.**

“Projecting sign” means any *sign* which is attached to and supported by the exterior wall of a *building* with the exposed face of the *sign* on a plane perpendicular to the wall of the *building*; projecting more than one foot from the wall of a *building* and vertical to the ground. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1155).]

18.20.2710**Sign, time and temperature.**

“Time and temperature sign” means an electrically controlled *sign* that contains messages for date, time, and temperature, which changes at intervals of one minute or less. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1160).]

18.20.2720**Sign, wall.**

“Wall sign” means any *sign* painted on, or attached directly to and supported by, a *building* or *structure*; with the exposed face of the *sign* on a plane parallel to the portion of the *building* or *structure* to which it is

attached; projecting no more than one foot from the *building* or *structure*; including window *signs* which are permanently attached. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1165).]

18.20.2730**Significant tree.**

“Significant tree” means an existing healthy *tree* that is not a *hazard tree* (i.e., a *tree* that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

- A. Eight inches for *evergreen trees*; or
- B. Twelve inches for *deciduous trees*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1167).]

18.20.2740**Site.**

“Site” means a single *lot*, or two or more contiguous *lots* that are under common ownership or documented legal control, used as a single parcel for a *development proposal* in order to calculate compliance with the standards and regulations of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1170).]

18.20.2750**Site area.**

“Site area” means the total horizontal area of a project *site*, less areas below the *ordinary high water mark*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1172).]

18.20.2782**Social card game.**

“Social card game” is defined as set forth in RCW 9.46.0282, as now in effect or as may be subsequently amended or recodified. [Ord. 06-0243 § 1; Ord. 05-0237 § 2.]

18.20.2784**Social services.**

“Social services” means establishments or agencies offering social or rehabilitation services. Subcategories include:

“**Social services, correctional**” that offer offender rehabilitation, offender self-help, parole or probation services; and

“**Social services, noncorrectional**” that provide services including, but not limited to, individual and family counseling, welfare, relief, referral, job training, or vocational services. “Social services, noncorrectional” includes social advocacy organizations. [Ord. 03-0175 § 6.]

18.20.2790**Soil recycling facility.**

“Soil recycling facility” means an establishment engaged in the collection, storage and treatment of contaminated soils to remove and re-use organic contaminants. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1185).]

18.20.2810**Special use permit.**

“Special use permit” means a permit granted by the *city* to locate a *regional land use* at a particular location, subject to conditions placed on the proposed *use* to ensure compatibility with adjacent land uses. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1195).]

18.20.2820**Specialized instruction school.**

“Specialized instruction school” means establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

- A. Art;
- B. Dance;
- C. Music;
- D. Cooking;
- E. Driving; and
- F. Pet obedience training. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1200).]

18.20.2822**Species.**

“Species” means any group of animals classified as a species or subspecies as commonly accepted by the scientific community. [Ord. 06-0244 § 45.]

18.20.2824**Species, endangered.**

“Species, endangered” means any fish or wildlife *species* that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species. [Ord. 06-0244 § 46.]

18.20.2826**Species, threatened.**

“Species, threatened” means any fish or wildlife *species* that is likely to become an *endangered species* within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species. [Ord. 06-0244 § 47.]

18.20.2840**Sporting goods store.**

“Sporting goods store” means an establishment engaged in the retail sale of sporting goods and equipment.

18.20.2850**Sports club.**

“Sports club” means an establishment engaged in operating physical fitness facilities and sports and recreation clubs.

18.20.2860**Stable.**

“Stable” means a *structure* or facility in which horses or other *livestock* are kept for:

- A. Boarding;
- B. Training;
- C. Riding lessons;
- D. Breeding;
- E. Rental; or
- F. Personal use. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1220).]

18.20.2870**Standard of service, school districts.**

“School districts standard of service” means the standard adopted by each *school district* which identifies the program year, the class size by *grade span* and taking into account the requirements of students with special needs, the number of *school classrooms*, the types of facilities the district believes will best serve its student population, and other factors as identified by the *school district*. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in *relocatable facilities* which are used as transitional facilities or for any specialized facilities housed in *relocatable facilities*. Except as otherwise defined by the

school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the “necessary financial commitments” as defined in Chapter 18.45 KMC are in place to complete the permanent facilities called for in the capital plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1225).]

18.20.2884**Storage, indoor.**

“Storage, indoor” means a *use* engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a *building*. Indoor storage *uses* typically are enclosed and provide supervised access to the storage areas within the *building*. The definition excludes *self-service storage*, warehousing and distribution. [Ord. 03-0175 § 6.]

18.20.2887**Storage, outdoor.**

“Storage, outdoor” means a *use* engaged in outdoor storage for more than 24 hours, wholesale, rental, and distribution of manufactured products, supplies, and equipment. This definition excludes hazardous material storage, *indoor storage*, *self-service storage*, vehicle storage, and *warehousing and wholesale trade*. [Ord. 03-0175 § 6.]

18.20.2890**Stream functions.**

“Stream functions” means natural processes performed by *streams* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1235).]

18.20.2900**Stream.**

“Stream” means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031. Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Artificial drainage features with documented fish usage are regulated as streams. [Ord. 06-0244 § 11; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1240).]

18.20.2910**Street.**

“Street” means a public or recorded *private* thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1245).]

18.20.2920**Street frontage.**

“Street frontage” means any portion of a *lot* or combination of *lots* which directly abut a *street*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1250).]

18.20.2925**Street tree.**

“Street tree” means *trees* located within the *street* right-of-way, adjacent to public or *private streets*, including undeveloped areas.

18.20.2930**Structure.**

“Structure” means anything permanently constructed in or on the ground, or over the water; excluding fences eight feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1255).]

18.20.2945**Subdrainage basin or sub-basin.**

“Subdrainage basin” or “sub-basin” means the drainage area of the highest order *stream* containing the subject property impact area. “Stream order” is the term used to define the position of a *stream* in the hierarchy of tributaries in the watershed. The smallest *streams* are the highest order (first order) tributaries. These are the upper watershed *streams* and have no tributaries of their own. When two first order *streams* meet, they form a second order *stream*, and when two second order *streams* meet they become a third order *stream*, and so on. [Ord. 06-0244 § 49.]

18.20.2960**Substantial improvement.**

“Substantial improvement” means any maintenance, repair, structural modification, addition or other improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market value of the *structure* either before the maintenance, repair, modification or addition is started or before the damage occurred, if the *structure* has been damaged and is being restored. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1270).]

18.20.2965**Taxi stand.**

“Taxi stand” means a facility for pick-up and drop-off of taxi patrons, typically characterized by an area for queuing passengers and taxis. [Ord. 03-0175 § 6.]

18.20.2970**Theater.**

“Theater” means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1277).]

18.20.2980**Theatrical production services.**

“Theatrical production services” means an establishment engaged in theatrical production (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer *theaters*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1278).]

18.20.3000**Trails.**

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1285).]

18.20.3010**Transfer station.**

“Transfer station” means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1290).]

18.20.3020**Transit bus base.**

“Transit bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a public transit system. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1295).]

18.20.3023**Transit center.**

“Transit center” means any facility designed for accommodating large numbers of public transportation passengers to wait, board, and disembark at the intersection of multiple transit routes. [Ord. 03-0175 § 6.]

18.20.3030**Transitional housing facilities.**

“Transitional housing facilities” means housing units within the *city* owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1305).]

18.20.3040**Transmission equipment.**

“Transmission equipment” means equipment, such as *antennas* and satellite, or point-to-point *microwave* dishes, that transmits or receives radio signals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1310).]

18.20.3060**Transmission support structure.**

“Transmission support structure” means a *monopole* or *lattice-work tower* specifically designed and intended to support *antennas* and related communication equipment. The term does not include *monopoles* or *lattice-work towers* supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1320).]

18.20.3065**Transmission support structure, alternative.**

“Alternative transmission support structure” means the following manmade *structures*: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial buildings, commercial *signs*, *billboards*, multi-family buildings, and publicly used *structures* such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals; and other similar *structures* as approved by the *city manager*.

18.20.3067**Transmission support structure, guyed.**

“Guyed transmission support structure” means a *transmission support structure* that is supported, in whole or in part, by guy wire and ground anchors.

18.20.3070**Transmitter building.**

“Transmitter building” means a *building* used to contain communication *transmission equipment*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1325).]

18.20.3082**Tree.**

“Tree” means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite *crown*, maturing at a height of at least 12 feet above ground level. The *department* shall determine whether any specific woody plant shall be considered a tree.

18.20.3084**Tree, hazard.**

“Hazard tree” means any *tree* with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*.

18.20.3088**Tree, remove or removal.**

“Remove” or “removal” with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or any act which causes a *tree* to die within a period of three years from such act.

18.20.3095**Unavoidable impact.**

“Unavoidable impact” means adverse impacts to a *critical area* that remain after all appropriate and practicable avoidance and minimization have been achieved. [Ord. 06-0244 § 50.]

18.20.3110**Use.**

“Use” means activity or function carried out on an area of land, or in a *building* or *structure* located thereon. Any use subordinate or incidental to the primary use on a *site* is considered an *accessory use*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1345).]

18.20.3111**Uses, classified.**

“Uses, classified” means a use which appears in any list of permitted, conditional, accessory or prohibited *uses* in this title.

18.20.3112**Uses, permitted.**

“Uses, permitted” means land *uses* allowed outright within a zone. [Ord. 03-0175 § 6.]

18.20.3114**Uses, prohibited.**

“Uses, prohibited” means any land *use* not specifically enumerated or permitted as allowable in that district. [Ord. 03-0175 § 6.]

18.20.3117**Uses, unclassified.**

“Uses, unclassified” means a *use* which does not appear in any list of permitted, conditional, accessory, or prohibited *uses* in this title, but which is interpreted by the *city manager* as similar to a listed permitted, conditional, accessory, or prohibited *use*. [Ord. 03-0175 § 6.]

18.20.3120**Utility facility.**

“Utility facility” means a facility for the distribution or transmission of services to an area; including, but not limited to:

- A. Telephone exchanges;
- B. Water pumping or treatment stations or distribution systems;
- C. *Electrical substations*;
- D. Water storage reservoirs or tanks;
- E. Municipal groundwater well-fields;
- F. *Regional stormwater management facilities*;
- G. Natural gas gate stations and limiting stations;
- H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple *lots* or *uses* from which fuel is distributed directly to individual users;
- I. Sewer lift stations and wastewater distribution systems; and
- J. Pipes, electrical wires and associated structural supports. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1350).]

18.20.3130**Vactor waste.**

“Vactor waste” means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1352).]

18.20.3140**Vactor waste receiving facility.**

“Vactor waste receiving facility” means a facility where *vactor waste* is brought for treatment and storage prior to final disposal. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1353).]

18.20.3150**Variance.**

“Variance” means an adjustment in the application of standards of a zoning code to a particular property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1355).]

18.20.3155**Variety store.**

“Variety store” means an establishment engaged in retailing a variety of new general merchandise goods. Variety store does not include department store, but is a subcategory of “*department and variety store*”.

18.20.3160**Vegetation.**

“Vegetation” means any and all plant life growing at, below or above the soil surface. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1360).]

18.20.3170**Vocational school.**

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career.

18.20.3190**Warehousing and wholesale trade.**

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a *retail land use*.

18.20.3200**Wastewater treatment facility.**

“Wastewater treatment facility” means a plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1380).]

18.20.3220**Water-dependent use.**

“Water-dependent use” means a *use* or portion of a *use* that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A *use* that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; *marinas*, moorage, and *boat launching* facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls. [Ord. 06-0244 § 12; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1385).]

18.20.3225**Water resource inventory area (WRIA).**

“Water resource inventory area (WRIA)” means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a *stream* or *streams*, as established in Chapter 173-500 WAC as it existed on January 1, 1997. Kenmore is located in WRIA 8, Lake Washington/Cedar/Sammamish River. [Ord. 06-0244 § 51.]

18.20.3227**Weather protection.**

“Weather protection” means awnings, canopies, *arcades* or *marquees* which are permanently fixed to *buildings* and which cover the public sidewalks to provide protection from the weather for pedestrians. Weather protection should allow light and transparency into *ground floor uses*.

18.20.3240**Wetland edge.**

“Wetland edge” means the line delineating the outer edge of a *wetland*, consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in use on January 1, 1995 by the United States Army Corps of Engineers and the United States Environmental Protection Agency as implemented through, and consistent with the May 23, 1994 “Washington Regional Guidance on the 1987 Wetland Delineation Manual” document issued by the Corps of Engineers and the Environmental Protection Agency. When the state of Washington, Department of Ecology, adopts a manual as required pursuant to a new Section 11 of Engrossed Senate Bill 5776, *wetlands* regulated under development regulations shall be delineated pursuant to said manual. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1395).]

18.20.3250**Wetland, forested.**

“Forested wetland” means a *wetland* which is characterized by woody *vegetation* at least 20 feet tall. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1400).]

18.20.3260**Wetland functions.**

“Wetland functions” means natural processes performed by *wetlands* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and stormwater flows, as well as performing

other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1405).]

18.20.3280**Wetlands.**

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of *vegetation* adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, *street*, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual (1997). [Ord. 06-0244 § 13; Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1415).]

18.20.3300**Wildlife shelter.**

“Wildlife shelter” means a facility for the temporary housing of sick, wounded or displaced wildlife. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1425).]

18.20.3305**Wind-firm.**

“Wind-firm” means a *tree* which is capable of withstanding windstorms.

18.20.3307**Wireless services.**

“Wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. [Ord. 05-0228 § 4.]

18.20.3310**Work release facility.**

“Work release facility” means a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1430).]

18.20.3320**Wrecked, dismantled or inoperative vehicle.**

“Wrecked, dismantled or inoperative vehicle” means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor and is certified by the *department* as meeting at least three of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- C. Is apparently inoperable;
- D. Has an approximate fair market value equal only to the approximate value of the scrap in it. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1432).]

18.20.3330

Yard or organic waste processing.

“Yard or organic waste processing” means processing yard and garden wastes, including wood and land-clearing debris, into new products such as soil amendments and wood chips. [Ord. 98-0026 §§ 1, 2 (KCC 21A.06.1435).]

Chapter 18.21

RESIDENTIAL ZONES

Sections:

- 18.21.020 Residential zones R1, R4 and R6 – Use allowances.
- 18.21.030 Zoning standards.
- 18.21.040 Residential zones R12, R18, R24, and R48 – Use allowances.
- 18.21.050 Zoning standards.
- 18.21.060 Nonresidential land uses in residential zones.
- 18.21.070 Personal services and retail uses in R-4 through R-48 zones.

18.21.020

Residential zones R1, R4 and R6 – Use allowances.

The following *uses* in Table A are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R1, R4 and R6.

Table A. Residential Zone Use Allowances, R1, R4 and R6

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single Detached Dwelling Unit ¹	Single Detached Dwelling Unit ¹	Jail	Community Residential Facility II
Townhouse ²	Townhouse ²	Work Release Facility	Hotel/Motel ⁹
Apartment ³	Apartment ⁴	Hydroelectric Generation Facility	Organization
Designated Manufactured Home ¹	Designated Manufactured Home ¹	Nonhydroelectric Generation Facility	Hotel/Lodging Houses
Mobile Home and Manufactured Home ⁵	Mobile Home Park ⁶	Communication Facility ⁵⁹	Campgrounds
Senior Citizen Assisted Living ⁴	Community Residential Facility I	Earth Station	Destination Resorts
Residential Accessory Uses ⁸	Dormitory ⁷	Oil and Gas Extraction	Recreational Vehicle Park
Home Occupation	Home Industry	Energy Resource Recovery Facility	Adult Entertainment
Park ¹²	Bed and Breakfast	Landfill	Business
Trails	Guesthouse ¹⁰	Transfer Station	Theater
Golf Course Facility ¹⁵	Marina ¹³	Wastewater Treatment Facility	Theater, Drive-in
Amusement and Recreation Services ^{16,17,18}	Sports Club ^{13,14}	Municipal Water Production	Bowling Center
Library ²⁰	Amusement and Recreation Services ^{16,17,19}	Airport/Heliport	Shooting Range
Museum ²⁰	Library	Transit Bus Base	Amusement Arcades
Arboretum	Museum	School Bus Base	Amusement Park
Conference Center ²⁰	Conference Center	Racetrack ⁶²	Outdoor Performance Center
Cemetery, Columbarium or Mausoleum ²³	General Personal Service ²¹	Zoo/Wildlife Exhibit ⁶³	Drycleaning Plants
Family Child-Care Home ²⁵	Funeral Home/Crematory ²²	College/University ⁶⁴	Industrial Launderers
Day Care I ²⁶	Cemetery, Columbarium or Mausoleum ²⁴		Veterinary Clinic
Day Care II ²⁶	Day Care I		Automotive Repair
Church, Synagogue, Mosque, Temple ²⁷	Day Care II		Automotive Service
Social Services ^{27,28}	Church, Synagogue, Mosque, Temple ^{28,29}		Miscellaneous Repair
Stable ³⁰	Social Services ^{28,29}		Kennel or Cattery
Artist Studios ³¹	Stable		Theatrical Production Services
Interim Recycling Facility ³²	Medical/Dental Office/Outpatient Clinic ²⁹		Nursing and Personal Care Facilities
Medical/Dental Office/Outpatient Clinic ²⁷	Hospital ²⁹		Medical/Dental Lab
Elementary School	Secondary or High School ³³		Miscellaneous Health Services
Middle/Junior High School	Vocational School		Public Agency Archives
Secondary or High School	Specialized Instruction School ³⁵		Court
	School District Support Facility		Construction and Trade
	Public Agency or Utility Office		Individual Transportation and Taxi
			Trucking and Courier Service
			Warehousing and Wholesale Trade ⁴⁶

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
³³ <i>Vocational School</i> ²⁹ <i>Specialized Instruction School</i> ³⁴ <i>School District Support Facility</i> ³⁶ <i>Public Agency or Utility Office</i> ³⁷ <i>Public Agency or Utility Yard</i> ³⁸ <i>Police Facility</i> ³⁹ <i>Utility Facility</i> ⁴¹ <i>Commuter Parking Lot</i> ⁴³ <i>Private Stormwater Management Facility</i> ⁴⁴ <i>Vector Waste Receiving Facility</i> ⁴⁵ <i>Automotive Parking</i> ⁴³ <i>Agricultural Product Sales</i> ⁵⁰ <i>Livestock Sales</i> ^{53,54} <i>Growing and Harvesting Crops</i> <i>Raising Livestock and Small Animals</i> ⁵⁵ <i>Growing and Harvesting Forest Products</i> <i>School Bus Base</i> ⁶¹ <i>College/University</i> ^{64,65}	<i>Fire Facility</i> ⁴⁰ <i>Utility Facility</i> ⁴² <i>Commuter Parking Lot Helistop</i> ⁴⁷ <i>Department and Variety Stores</i> ⁴⁸ <i>Food Stores</i> ⁴⁹ <i>Eating and Drinking Places</i> ^{51,52} <i>Drug Stores</i> ⁴⁹ <i>Book, Stationery, Video & Art Supply Stores</i> ⁴⁹ <i>Florist Shops</i> ⁴⁹ <i>Hatchery/Fish Preserve</i> ⁵⁶ <i>Aquaculture</i> ⁵⁶ <i>Hydroelectric Generation Facility</i> ⁵⁷ <i>Nonhydroelectric Generation Facility</i> ⁵⁸ <i>Communication Facility</i> ^{59,60c} <i>Earth Station</i> ^{60a} <i>School Bus Base</i> <i>College/University</i> ^{64,66}		<i>Self-Service Storage</i> <i>Farm Product Warehousing, Refrigeration and Storage</i> <i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation Service</i> <i>Communication Offices</i> <i>Telegraph and Other Communications</i> <i>General Business Service</i> <i>Professional Office</i> <i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment Rental</i> <i>Automotive Rental and Leasing</i> <i>Professional Sports Teams/Promoters</i> <i>Research, Development and Testing</i> <i>Heavy Equipment and Truck Repair</i> <i>Commercial/Industrial Accessory Uses</i> <i>Building, Hardware and Garden Materials Stores</i> <i>Forest Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> <i>Auto Supply Stores</i> <i>Gasoline Service Stations</i> <i>Apparel and Accessory Stores</i> <i>Furniture and Home Furnishings Stores</i> <i>Liquor Stores</i> <i>Used Goods:</i> <i>Antiques/Secondhand</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Shops <i>Sporting Goods and Related Stores</i> <i>Jewelry Stores</i> Monuments, Tombstones and Gravestones Sales <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply Stores</i> <i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Manufacturing Land Uses</i> <i>Forest Research</i> <i>Wildlife Shelters</i> Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Manufacture <i>Resource Accessory Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Stadium/Arena <i>Secure Community Transition Facilities</i>

B. Development Conditions.

1. *Conditional use permit* required before approving more than one dwelling on individual *lots*, except on *lots* in subdivisions, short subdivisions or binding site plans approved for multiple unit *lots*, and except as provided for *accessory dwelling units* in subsection 8 of this section.
2. A *conditional use permit* is not required for *townhouse* units on *lots* in a subdivision or short subdivision designed for *townhouse* units.
3. Only subject to the residential density incentive provisions of Chapter 18.80 KMC.
4. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC.
5. *Manufactured homes* and *mobile homes* are only allowed in *mobile home parks*.
6. *Mobile home parks* shall not be permitted in the R-1 zones.
7. Only as an accessory to a school, college, university or church.
8. a. See 18.73.100 KMC regarding *accessory dwelling units*.
b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *city* right-of-way, to a waterbody or landing field, provided there is:
 - (1) No aircraft sales, service, repair, charter or rental; and
 - (2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.
9. Except *bed and breakfast guesthouses*.
10. *Bed and breakfast guesthouses* shall be authorized after issuance of a *conditional use permit*, subject to the following conditions:
 - a. The guesthouse shall be owner-occupied;
 - b. Meals shall be served to paying guests only (no restaurant *use* permitted);
 - c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
 - d. Parking shall be provided as required by this title; and
 - e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.
11. Reserved.
12. The following conditions and limitations shall apply, where appropriate:
 - a. No stadiums on *sites* less than 10 acres;
 - b. Lighting for *structures* and fields shall be directed away from residential areas;
 - c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC 18.30.120 and 18.30.130. *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;
 - d. Overnight camping is allowed only in an approved *campground*.
13. Limited to recreation facilities subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential character of the area;
 - b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
14. Only for stand-alone *sports clubs* that are not part of a *park*.
15. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.
16. Excluding amusement and recreational *uses* classified elsewhere in this chapter.
17. *Social card games*, as defined by this title, are prohibited.
18. Limited to a golf driving range as an accessory to golf courses.

19. Limited to golf driving ranges and subject to subsection 15 of this section.
20. Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *city* landmark subject to Chapter 18.50 KMC.
21. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.21.070.
22. Only as an accessory to a cemetery.
23. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
24. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
25. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area as certified by the DEL licenser shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *city*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *city*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of KMC Chapter 18.42;
 - f. The *city* has the authority to limit the hours of operation to facilitate neighborhood compatibility;
 and
 - g. Prior to receiving State licensing, the family child-care provider shall provide the *city* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.
26. Only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
27. Only as a re-use of a public school facility subject to Chapter 18.50 KMC.
28. Except day care services, and residential care.
29. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.
30. Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.
31. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility.
32. Limited to *drop box facilities* accessory to a public or community *use* such as a school, fire station or community center.
33. Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.
34. Only as an accessory to residential *use*, and:
 - a. Students shall be limited to 12 per one-hour session;
 - b. All instruction must be within an enclosed *structure*; and
 - c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

35. Subject to the following:
- a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On *lots* over two and one-half acres:
 - (1) *Retail sales* of items related to the instructional courses is permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with Seattle/King County public health and *city* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
 - (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and
 - c. On *sites* over 10 acres zoned R-1, and/or R-4:
 - (1) *Retail sales* of items related to the instructional courses is permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with Seattle/King County public health and *city* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
 - (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
 - (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
 - (5) Advertised special events shall comply with the temporary use requirements of this title; and
 - (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development condition in this subsection 35.c and this title.
36. Only if adjacent to an existing or proposed school.
- 37.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC; or
- b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
- 38.a. Utility yards only on *sites* with utility district offices; or
- b. *Public agency* yards are limited to material storage for road maintenance facilities.
39. Limited to “storefront” police offices. Such offices shall not have:
- a. Holding cells,
 - b. Suspect interview rooms, or
 - c. Long-term storage of stolen properties.
- 40.a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*;
 - c. No *outdoor storage*; and
41. Excluding *bulk gas storage tanks*.
42. Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.
43. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:
- a. They are located on existing parking lots for churches, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.
44. Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set

aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

45. Only as an *accessory use* to a *public agency or utility yard*, or to a *transfer station*.

46. Except *self-service storage*.

47. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

48. Not in R-1 and limited to *variety stores*, with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.21.070.

49. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

50. a. Limited to products produced on site.

b. Covered sales areas shall not exceed a total area of 500 square feet.

51. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

52. *Social card games*, as defined by this title, are prohibited.

53. Retail sale of *livestock* is permitted only as accessory to raising *livestock*.

54. Limited to the R-1 zone.

55. *Large livestock* allowed in accordance with Chapter 18.70 KMC.

56. May be further subject to KMC Title 16, Shoreline Management.

57. Limited to facilities that comply with the following:

a. Any new diversion *structure* shall not:

(1) Exceed a height of eight feet as measured from the streambed; or

(2) Impound more than three surface acres of water at the normal maximum surface level;

b. There shall be no active storage;

c. The maximum water surface area at any existing dam or diversion shall not be increased;

d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;

e. Any transmission line shall be limited to a:

(1) Right-of-way of five miles or less; and

(2) Capacity of 230 KV or less;

f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*.

58. Limited to *cogeneration* facilities for on-site use only.

59. The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

60.a. Limited to no more than three satellite dish *antennas*.

b. Limited to one satellite dish *antenna*.

c. Limited to tower *consolidations*.

61. Only in conjunction with an existing or proposed school.

62. Except racing of motorized vehicles.

63. Except arboretum.

64. Except technical institutions. See *vocational schools*.

65. Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

66. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

18.21.030

Zoning standards.

The following zone-specific development standards in Table C apply in the R1, R4 and R6 residential zones:

C. R1, R4 and R6 Residential Zones zoning standards.

STANDARDS	Z O N E S	R-1 (1)	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> (2)		1 du/ac	4 du/ac (3)	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> (4)			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width (6)		35 ft (7)	30 ft	30 ft
Minimum <i>Street Setback</i>		20 ft (7)	15 ft (8) (9)	15 ft (8) (9)
Minimum Side <i>Setback</i> (5) (10)		5 ft (7)	15 ft Total (11)	15 ft Total (11)
Minimum Rear <i>Setback</i> (5) (10)		5 ft (7)	20 ft	20 ft
Base Height (12)		35 ft	35 ft	35 ft 45 ft (13)
Maximum <i>Impervious Surface</i> : Percentage (14)		30% (15)	55%	70%
Minimum Lot Size		2,500 sq ft	7,200 sq ft (16) (17)	5,400 sq ft (16) (17)

D. Development Conditions.

1. a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered when the property is located within or contains:

- (1) A *floodplain*;
- (2) A regionally or locally significant resource area;
- (3) Existing or planned public *parks* or *trails*, or connections to such facilities;
- (4) A Class I or II *stream* or *wetland*;
- (5) A “greenbelt/urban separator” or “wildlife corridor” area designated by the comprehensive plan.

b. The *development* shall be clustered away from *critical areas* or corridors such as urban separators or the wildlife habitat network to the extent possible and the *open space* shall be placed in a separate tract that includes at least 50 percent of the *site*. *Open space* tracts shall be permanent and meet the provisions of KMC 17.20.130.

2. Density applies only to *dwelling units* and not to sleeping units.
3. *Mobile home parks* shall be allowed a base density of six *dwelling units* per acre.
4. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(F)(1)(f).
5. These standards may be modified under the provisions for zero-lot-line *developments*.
6. The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC 18.30.110).
7. The standards of the R-4 zone shall apply if a *lot* is less than 15,000 square feet in area.
8. If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal 10 feet.
9. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.
10. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.
11. Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.
12. Height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.
13. The base height to be used only for projects as follows:
 - a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade.
14. Applies to each individual *lot*. *Impervious surface* area standards for:
 - a. Regional *uses* shall be established at the time of permit review;
 - b. Nonresidential *uses* in residential zones shall comply with KMC 18.30.170 and 18.21.060;
 - c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;
 - d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.
15. *Lots* smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For *lots* that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any *lot* over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For *lots* smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC 18.100.170(A)(2).
16. For properties with *critical areas* or topographic constraints, up to 20 percent of the number of *lots* in a subdivision or a short subdivision of more than four *lots*, and one of the *lots* in a short plat of four *lots* or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any *lots* be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller *lots* shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.
17. This excludes any area required for public or *private streets*, access easements, access tracts, and access panhandles.

18.21.040

Residential zones R12, R18, R24, and R48 – Use allowances.

The following *uses* in Table E are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R12, R18, R24, and R48.

Table E. Residential Zone Use Allowances, R12, R18, R24, and R48

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single Detached Dwelling Unit ¹	Single Detached Dwelling Unit ¹	Jail	Home Industry
Townhouse	Designated Manufactured Home ¹	Work Release Facility	Hotel/Motel ⁴
Apartment	Bed and Breakfast Guesthouse ⁵	Nonhydroelectric Generation Facility	Organization
Designated Manufactured Home ¹	Marina ⁸	Communication Facility ⁴⁹	Hotel/Lodging Houses
Mobile Home and Manufactured Home ²	Sports Club ^{8,9}	Earth Station	Campgrounds
Mobile Home Park	Amusement and Recreation Services ^{11,12,13,14}	Oil and Gas Extraction	Destination Resorts
Community Residential Facility I	Library	Energy Resource Recovery Facility	Recreational Vehicle Park
Community Residential Facility II	Museum	Landfill	Adult Entertainment
Dormitory	Conference Center	Transfer Station	Business
Senior Citizen Assisted Living	General Personal Service ¹⁶	Wastewater Treatment Facility	Theater
Residential Accessory Uses ³	Funeral Home/Crematory ¹⁷	Municipal Water Production	Theater, Drive-in
Home Occupation	Cemetery, Columbarium or Mausoleum ¹⁹	Airport/Heliport	Bowling Center
Park ⁷	Day Care II	Transit Bus Base	Shooting Range
Trails	Church, Synagogue, Mosque, Temple	School Bus Base	Amusement Arcades
Golf Course Facility ¹⁰	Social Services ^{22,23}	Racetrack ⁵²	Amusement Park
Amusement and Recreation Services ^{11,12,13}	Medical/Dental Office/Outpatient Clinic ²³	Zoo/Wildlife Exhibit ⁵³	Outdoor Performance Center
Library ¹⁵	Nursing and Personal Care Facilities	College/University ⁵⁴	Drycleaning Plants
Museum ¹⁵	Hospital ²³		Industrial Launderers
Arboretum	Secondary or High School ²⁶		Veterinary Clinic
Conference Center ¹⁵	Vocational School		Automotive Repair
Cemetery, Columbarium or Mausoleum ¹⁸	Specialized Instruction School ²⁸		Automotive Service
Family Child-Care Home ⁵⁷	School District Support Facility		Miscellaneous Repair
Day Care I	Public Agency or Utility Office		Stable
Day Care II ²⁰	Fire Facility ³³		Kennel or Cattery
Church, Synagogue, Mosque, Temple ²¹	Utility Facility ³⁵		Theatrical Production Services
Social Services ^{21,22}	Commuter Parking Lot		Medical/Dental Lab
Artist Studios ²⁴	Self-Service Storage ⁴¹		Miscellaneous Health Services
Interim Recycling Facility ²⁵	Helistop ⁴³		Public Agency Archives
	Department and Variety Stores ⁴⁴		Court
	Food Stores ⁴⁵		Individual Transportation and Taxi
	Eating and Drinking		Trucking and Courier Service
			Warehousing and Wholesale Trade ⁴⁰
			Farm Product Warehousing, Refrigeration and Storage

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Medical/Dental</i> <i>Office/Outpatient Clinic</i> ²¹ <i>Elementary School</i> <i>Middle/Junior High School</i> <i>Secondary or High School</i> ²⁶ <i>Vocational School</i> ²³ <i>Specialized Instruction School</i> ²⁷ <i>School District Support Facility</i> ²⁹ <i>Public Agency or Utility Office</i> ³⁰ <i>Public Agency or Utility Yard</i> ³¹ <i>Police Facility</i> ³² <i>Utility Facility</i> ³⁴ <i>Commuter Parking Lot</i> ³⁶ <i>Private Stormwater Management Facility</i> ³⁷ <i>Vector Waste Receiving Facility</i> ³⁸ <i>Construction and Trade</i> ³⁹ <i>Professional Office</i> ⁴² <i>Automotive Parking</i> ³⁶ <i>College/University</i> ^{54,55}	<i>Places</i> ^{46,47} <i>Drug Stores</i> ⁴⁵ <i>Book, Stationery, Video & Art Supply Stores</i> ⁴⁵ <i>Florist Shops</i> ⁴⁵ <i>Nonhydroelectric Generation Facility</i> ⁴⁸ <i>Communication Facility</i> ^{49,50c} <i>Earth Station</i> ^{50a} <i>School Bus Base</i> ⁵¹ <i>College/University</i> ^{54,56}		<i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation Service</i> <i>Communication Offices</i> <i>Telegraph and Other Communications</i> <i>General Business Service</i> <i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment Rental</i> <i>Automotive Rental and Leasing</i> <i>Professional Sports Teams/Promoters</i> <i>Research, Development and Testing</i> <i>Heavy Equipment and Truck Repair</i> <i>Commercial/Industrial Accessory Uses</i> <i>Building, Hardware and Garden Materials Stores</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> <i>Auto Supply Stores</i> <i>Gasoline Service Stations</i> <i>Apparel and Accessory Stores</i> <i>Furniture and Home Furnishings Stores</i> <i>Liquor Stores</i> <i>Used Goods: Antiques/Secondhand Shops</i> <i>Sporting Goods and Related Stores</i> <i>Jewelry Stores</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Monuments, Tombstones and Gravestones Sales <i>Hobby, Toy, Game Shops</i> <i>Photographic and</i> <i>Electronic Shops</i> <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply</i> <i>Stores</i> <i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land</i> <i>Uses</i> <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal</i> <i>Control Facility</i> <i>Public Agency Training</i> <i>Facility</i> <i>Hydroelectric Generation</i> <i>Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Stadium/Arena <i>Secure Community</i> <i>Transition Facilities</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED

F. Development Conditions.

1. *Conditional use permit* required before approving more than one dwelling on individual *lots*, except on *lots* in subdivisions, short subdivisions or binding site plans approved for multiple unit *lots*, and except as provided for *accessory dwelling units* in subsection 3 of this section.

2. *Manufactured homes* and *mobile homes* are only allowed in *mobile home parks*.

3.a. See 18.73.100 KMC regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *city* right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

4. Except *bed and breakfast guesthouses*.

5. *Bed and breakfast guesthouses* shall be authorized after issuance of a *conditional use permit*, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant *use* permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

6. Reserved.

7. The following conditions and limitations shall apply, where appropriate:

a. No stadiums on *sites* less than 10 acres;

b. Lighting for *structures* and fields shall be directed away from residential areas;

c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC 18.30.120 and 18.30.130. *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;

d. Overnight camping is allowed only in an approved *campground*.

8. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and

c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

9. Only for stand-alone *sports clubs* that are not part of a *park*.

10. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.

11. Excluding amusement and recreational *uses* classified elsewhere in this chapter.

12. *Social card games*, as defined by this title, are prohibited.

13. Limited to a golf driving range as an accessory to golf courses.

14. Limited to golf driving ranges and subject to subsection 10 of this section.
15. Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *city* landmark subject to Chapter 18.50 KMC.
16. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.21.070.
17. Only as an accessory to a cemetery.
18. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
19. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
20. Only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
21. Only as a re-use of a public school facility subject to Chapter 18.50 KMC.
22. Except day care services and residential care.
23. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.
24. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility.
25. Limited to *drop box facilities* accessory to a public or community *use* such as a school, fire station or community center.
26. Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.
27. Only as an accessory to residential *use*, and:
 - a. Students shall be limited to 12 per one-hour session;
 - b. All instruction must be within an enclosed *structure*; and
 - c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
28. Subject to the following:
 - a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On *lots* over two and one-half acres:
 - (1) *Retail sales* of items related to the instructional courses is permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with Seattle/King County public health and *city* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
 - (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and
 - c. On *sites* over 10 acres, zoned R-1, and/or R-4:
 - (1) *Retail sales* of items related to the instructional courses is permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted with Seattle/King County public health and *city* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
 - (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
 - (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;

- (5) Advertised special events shall comply with the temporary use requirements of this title; and
- (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development condition in this subsection 28.c and this title.
- 29. Only if adjacent to an existing or proposed school.
- 30.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC; or
 - b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
- 31.a. Utility yards only on *sites* with utility district offices; or
 - b. *Public agency* yards are limited to material storage for road maintenance facilities.
- 32. Limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells,
 - b. Suspect interview rooms, or
 - c. Long-term storage of stolen properties.
- 33.a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*;
 - c. No *outdoor storage*; and
- 34. Excluding *bulk gas storage tanks*.
- 35. Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.
- 36. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:
 - a. They are located on existing parking lots for churches, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.
- 37. Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
- 38. Only as an *accessory use* to a *public agency* or *utility yard*, or to a *transfer station*.
- 39. Permitted when:
 - a. Located in the R-24 zone; and
 - b. On a *site* in *professional office* or *construction and trade office uses* as of May 8, 2003; and
 - c. Part of a *mixed use development*; and
 - d. Limited to 15,000 square feet; and
 - e. No *outdoor storage* of equipment occurs.
- 40. Except *self-service storage*.
- 41. Accessory to an *apartment development* of at least 12 units provided:
 - a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;
 - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - c. The use of the facility shall be limited to dead storage of household goods;
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - f. No residential occupancy of the storage units;
 - g. No business activity other than the rental of storage units; and

h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

42. Permitted when:

- a. Located in the R-24 zone; and
- b. On a *site* in *professional office or construction and trade office uses* as of May 8, 2003; and
- c. Part of a *mixed use development*; and
- d. Limited to 15,000 square feet; and
- e. No *outdoor storage* of equipment occurs.

43. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

44. Not in R-1 and limited to *variety stores* with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.21.070.

45. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

46. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

47. *Social card games*, as defined by this title, are prohibited.

48. Limited to *cogeneration* facilities for on-site use only.

49. The following provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

50.a. Limited to no more than three satellite dish *antennas*.

b. Limited to one satellite dish *antenna*.

c. Limited to tower *consolidations*.

51. Only in conjunction with an existing or proposed school.

52. Except racing of motorized vehicles.

53. Except arboretum.

54. Except technical institutions. See *vocational schools*.

55. Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

56. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

57. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *city*;

d. The *family child-care home* shall comply with all applicable development standards of the *city*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and

f. The *city* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

18.21.050

Zoning standards.

The following zone-specific development standards in Table G apply in the R12, R18, R24, and R48 residential zones:

G. R12, R18, R24, and R48 Residential Zones zoning standards.

STANDARDS	Z O N E S	R-12	R-18	R-24	R-48
Base Density: <i>Dwelling Unit/Acre</i> (1)		12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> (2)		18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density(11)		80%	75%	70%	65%
Minimum Lot Width (4)		30 ft	30 ft	30 ft	30 ft
Minimum <i>Street Setback</i>		10 ft (6)	10 ft (6)	10 ft (6)	10 ft (6)
Minimum <i>Side Setback</i> (3) (5)		5 ft (7)	5 ft (7)	5 ft (7)	5 ft (7)
Minimum <i>Rear Setback</i> (3) (5)		5 ft (7)	5 ft (7)	5 ft (7)	5 ft (7)
Base Height (8)		60 ft	60 ft 80 ft (9)	60 ft 80 ft (9)	60 ft 80 ft (9)
Maximum <i>Impervious Surface</i> : Percentage (10)		85%	85%	85%	90%
Minimum Lot Size					

H. Development Conditions.

- Density applies only to *dwelling units* and not to sleeping units.
- This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(F)(1)(f).
- These standards may be modified under the provisions for zero-lot-line *developments*.
- The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC 18.30.110).
- Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.
- At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.

7. a. For *developments* consisting of three or more single detached dwellings located on a single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC 18.30.130, which shall have a *setback* of five feet.

b. For *townhouse* and *apartment development*, the *setback* shall be 20 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC 18.30.130, which shall have a *setback* of five feet, unless the *townhouse* or *apartment development* is adjacent to property upon which an existing *townhouse* or *apartment development* is located.

8. Height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

9. The base height to be used only for projects as follows:

a. In R-18, R-24 and R-48 zones using residential density incentives and *transfer of density credits* pursuant to this title.

10. Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional *uses* shall be established at the time of permit review;

b. Nonresidential *uses* in residential zones shall comply with KMC 18.30.170 and 18.21.060;

c. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

11. Minimum density is determined by multiplying the allowable number of dwelling units, as calculated using KMC 18.30.020, by the percentage shown for each zone.

18.21.060

Nonresidential land uses in residential zones.

Except for *utility facilities*, *regional land uses*, and nonresidential *uses* regulated by KMC 18.21.070, all nonresidential *uses* located in the R zones shall be subject to the following requirements:

A. *Impervious surface* coverage shall not exceed:

1. Seventy percent of the *site* in the R-1 through R-6 zones.

2. Eighty percent of the *site* in the R-12 through R-48 zones.

B. *Buildings* and *structures*, except *fences* and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (C) of this section.

C. Single detached dwelling allowed as accessory to a church or school shall conform to the *setback* requirements of the zone.

D. Parking areas are permitted within the required *setback* area from property lines, provided such parking areas are located outside of the required landscape area.

E. *Sites* shall abut or be accessible from at least one public *street* functioning at a level consistent with the *city street* design standards. New *high school sites* shall abut or be accessible from a public *street* functioning as an arterial per the *city* design standards.

F. The base height shall conform to the zone in which the *use* is located.

G. *Building* illumination and lighted *signs* shall be designed so that no direct rays of light are projected into neighboring residences or onto any *street* right-of-way. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.220).]

18.21.070

Personal services and retail uses in R-4 through R-48 zones.

General personal service uses, except drycleaning plants other than rug cleaning and industrial launderers, and *retail land uses*, except agricultural crop sales, which are located in the R-4 through R-48 zones shall be subject to the following requirements:

A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;

B. Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (A) of this section;

C. Establishment *sites* shall abut an intersection of two public *streets*, each of which is designated as a neighborhood collector or arterial and which has improved pedestrian facilities for at least one-fourth mile from the *site*;

D. The maximum on-site parking ratios for establishments and *sites* shall be two per 1,000 square feet and required parking shall not be located between the *building(s)* and the *street*; and

E. *Buildings* shall comply with the *building facade modulation* and roofline variation requirements in KMC 18.50.070 and 18.50.080 and at least one facade of the *building* shall be located within five feet of the sidewalk;

F. If the personal service or retail use is located in a *building* with multifamily *uses*, then the commercial *use* shall be on the *ground floor* and shall not exceed 25 percent of the total floor area of the *building*;

G. *Sign* and *landscaping* standards for the *use* apply. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.230).]

Chapter 18.22

NEIGHBORHOOD BUSINESS ZONE

Sections:

18.22.010 Use allowances.

18.22.020 Zoning standards.

18.22.010

Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, special uses, or *prohibited uses* in the neighborhood business zone:

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Townhouse¹</i> <i>Apartment¹</i> <i>Community Residential Facility I¹</i> <i>Community Residential Facility II¹</i> <i>Senior Citizen Assisted Living¹</i> <i>Residential Accessory Uses²</i> <i>Home Occupation</i> <i>Bed and Breakfast Guesthouse^{4,5}</i> <i>Park</i> <i>Trails</i> <i>Marina⁶</i> <i>Library</i> <i>Museum</i> <i>Arboretum</i> <i>Conference Center</i> <i>General Personal Service</i> <i>Cemetery, Columbarium or Mausoleum¹⁰</i> <i>Day Care I</i> <i>Day Care II</i> <i>Veterinary Clinic¹¹</i> <i>Automotive Repair^{12,13}</i> <i>Automotive Service¹³</i> <i>Church, Synagogue, Mosque, Temple</i> <i>Social Services^{14,15}</i> <i>Artist Studios</i> <i>Interim Recycling Facility¹⁶</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Specialized Instruction School</i> <i>Public Agency or Utility Office</i> <i>Police Facility¹⁷</i> <i>Fire Facility</i>	<i>Sports Club⁷</i> <i>School District Support Facility</i> <i>Helistop²²</i> <i>Nonhydroelectric Generation Facility²⁸</i> <i>Communication Facility^{29,30c}</i> <i>Earth Station</i> <i>College/University^{33,35}</i>	<i>Jail</i> <i>Work Release Facility</i> <i>Nonhydroelectric Generation Facility</i> <i>Communication Facility²⁹</i> <i>Oil and Gas Extraction</i> <i>Energy Resource Recovery Facility</i> <i>Landfill</i> <i>Transfer Station</i> <i>Wastewater Treatment Facility</i> <i>Municipal Water Production</i> <i>Airport/Heliport</i> <i>Transit Bus Base</i> <i>School Bus Base</i> <i>Racetrack³¹</i> <i>College/University³³</i> <i>Secure Community Transition Facilities³⁶</i>	<i>Single Detached Dwelling Unit</i> <i>Family Child-Care Home</i> <i>Designated Manufactured Home</i> <i>Mobile Home and Manufactured Home</i> <i>Mobile Home Park</i> <i>Dormitory</i> <i>Home Industry</i> <i>Hotel/Motel³</i> <i>Organization Hotel/Lodging Houses</i> <i>Campgrounds</i> <i>Destination Resorts</i> <i>Recreational Vehicle Park</i> <i>Adult Entertainment Business</i> <i>Theater</i> <i>Theater, Drive-in</i> <i>Bowling Center</i> <i>Golf Course Facility</i> <i>Amusement and Recreation Services^{8,9}</i> <i>Shooting Range</i> <i>Amusement Arcades</i> <i>Amusement Park</i> <i>Outdoor Performance Center</i> <i>Drycleaning Plants</i> <i>Industrial Launderers</i> <i>Funeral Home/Crematory</i> <i>Miscellaneous Repair</i> <i>Stable</i> <i>Kennel or Cattery</i> <i>Theatrical Production Services</i> <i>Nursing and Personal Care Facilities</i> <i>Hospital</i> <i>Medical/Dental Lab</i> <i>Miscellaneous Health Services</i> <i>Elementary School</i> <i>Middle/Junior High School</i> <i>Secondary or High School</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Utility Facility</i> <i>Commuter Parking Lot</i> <i>Private Stormwater Management Facility</i> ¹⁸ <i>Vactor Waste Receiving Facility</i> ¹⁹ <i>General Business Service Professional Office</i> <i>Automotive Parking</i> ²⁰ <i>Commercial/Industrial Accessory Uses</i> ²¹ <i>Building, Hardware and Garden Materials Stores</i> ²³ <i>Department and Variety Stores</i> ²⁴ <i>Food Stores</i> <i>Gasoline Service Stations</i> <i>Eating and Drinking Places</i> ^{25,26} <i>Drug Stores</i> <i>Book, Stationery, Video & Art Supply Stores</i> <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Florist Shops</i> <i>Pet Shops</i> <i>Printing and Publishing</i> ²⁷ <i>Earth Station</i> ^{30b} <i>College/University</i> ^{33,34}			<i>Vocational School</i> <i>Public Agency or Utility Yard</i> <i>Public Agency Archives</i> <i>Court</i> <i>Construction and Trade</i> <i>Individual Transportation and Taxi</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i> <i>Self-Service Storage</i> <i>Farm Product Warehousing, Refrigeration and Storage</i> <i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation Service</i> <i>Communication Offices</i> <i>Telegraph and Other Communications</i> <i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment Rental</i> <i>Automotive Rental and Leasing</i> <i>Professional Sports Teams/Promoters</i> <i>Research, Development and Testing</i> <i>Heavy Equipment and Truck Repair</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> <i>Auto Supply Stores</i> <i>Apparel and Accessory Stores</i> <i>Furniture and Home Furnishings Stores</i> <i>Liquor Stores</i> <i>Used Goods: Antiques/Secondhand Shops</i> <i>Sporting Goods and Related Stores</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Jewelry Stores</i> <i>Monuments, Tombstones and Gravestones Sales</i> <i>Fabric Shops</i> <i>Fuel Dealers</i> <i>Personal Medical Supply Stores</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses, except Printing and Publishing</i> <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> <i>Zoo/Wildlife Exhibit</i> ³² <i>Stadium/Arena</i>

B. Development Conditions.

1. Only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC, except that stand-alone *townhouse developments* are permitted subject to KMC 18.22.020, 17.20.125, 18.50.050 and 18.30.120.

2.a. See 18.73.100 KMC regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *city right-of-way*, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

3. Except *bed and breakfast guesthouses*.

4. *Bed and breakfast guesthouses* shall be subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

- c. Parking shall be provided as required by this title; and
- d. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.
- 6. Limited to day moorage.
- 7. Only for stand-alone *sports clubs* that are not part of a *park*.
- 8. Excluding amusement and recreational uses classified elsewhere in this chapter.
- 9. *Social card games*, as defined by this title, are prohibited.
- 10. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
- 11.a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
- 12. Except tire retreading.
- 13. The repair work or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops and paint shops are not allowed.
- 14. Except day care services and residential care.
- 15. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.
- 16. With the exception of *drop box facilities* for the collection and temporary storage of *recyclable materials*, all processing and storage of material shall be within enclosed *buildings*. *Yard waste processing* is not permitted.
- 17. Limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells, or
 - b. Long-term storage of stolen properties.
- 18. Except in commercial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
- 19. *Vactor waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.
- 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
- 21. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
- 22. Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.
- 23. Only *hardware and garden materials stores* shall be permitted.
- 24. Limited to *variety stores*, and further limited to a maximum of 2,000 square feet of gross floor area.
- 25. Excluding drinking places.
- 26. *Social card games*, as defined by this title, are prohibited.
- 27. Limited to photocopying and printing services offered to the general public.
- 28. Limited to *cogeneration* facilities for on-site use only.
- 29. The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.
- 30.a. Limited to no more than three satellite dish *antennas*.
 - b. Limited to one satellite dish *antenna*.
 - c. Limited to tower *consolidations*.
- 31. Except racing of motorized vehicles.
- 32. Except arboretum.
- 33. Except technical institutions. See *vocational schools*.

34. Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

35. Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

36. *SCTF* Siting. *Secure community transition facilities* as defined in RCW 71.09.020 are permitted by *special use permit* in the neighborhood business zone subject to the following restrictions:

a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.

b. Siting Criteria.

(1) *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No *SCTF* shall be allowed within the following distances from the following specified *uses*, areas or zones, whether such *uses*, areas or zones are located within or outside the *city* limits:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property;

(B) Adjacent to, immediately across a *street* or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *church*, *synagogue*, *mosque*, *temple*; and public libraries.

(C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.

(3) The distances specified in subsection (B)(36)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On-Site Facilities Required. Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site *recreational facilities* to serve the residents.

d. *Special Use Permit* Application Process. A *special use permit* application for an *SCTF* shall be accompanied by the following:

(1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential *sites* such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent *uses*.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.22.020

Zoning standards.

The following zone-specific development standards in Table C apply in the Neighborhood Business zone:

C. Neighborhood Business zoning standards.

	Z O N E	N B E U I S G I H N B E O S R S H O O D
STANDARDS		NB
Base Density: <i>Dwelling Unit/Acre</i>		8 du/ac (1)
Maximum Density: <i>Dwelling Unit/Acre</i>		12 du/ac (2)
Minimum <i>Street Setback</i>		10 ft (3)
Minimum Interior <i>Setback</i>		20 ft (4) (5)
Base Height (6)		35 ft 45 ft (7)
Maximum <i>Floor Area Ratio</i> : Square Feet		1/1 (8)
Maximum <i>Impervious Surface</i> : Percentage (9)		85%

B. Development Conditions.

1. These densities are allowed only through the application of *mixed use development* standards and for stand-alone *townhouse development*.

2. These densities may only be achieved through the application of residential density incentives or *transfer of density credits* in *mixed use developments* and for stand-alone *townhouse development*. See Chapter 18.80 KMC.

3. Gas station pump islands shall be placed no closer than 25 feet to *street* front lines.

4. Required on property lines adjoining residential zones.

5. Required on property lines adjoining residential zones except when a stand-alone *townhouse development* is proposed to be located adjacent to property upon which an existing *townhouse development* is located.

6. Height limits may be increased when portions of the *structure/building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may exceed 75 feet only in *mixed use developments*. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirement; provided, that the maximum height shall not exceed 75 feet.

7. This base height allowed only for *mixed use developments* and for stand-alone *townhouse development*.

8. The *floor area ratio* for *mixed use developments* shall conform to Chapter 18.50 KMC.

9. The *impervious surface* area for any *lot* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

Chapter 18.23

COMMUNITY BUSINESS ZONE

Sections:

- 18.23.010 Intent.
- 18.23.020 Use allowances.
- 18.23.030 Accessory uses.
- 18.23.040 Zoning standards.

18.23.010

Intent.

A. The purpose of the community business zone (CB) is to provide pedestrian-friendly, *mixed use development* that both supports larger mixed use and commercial areas with its residential *development*, and provide small-scale retail, office and personal services for the local community. The CB zone also provides retail and personal services in locations that are not appropriate for extensive *outdoor storage* or auto-related *uses*. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wide range of the small-scale retail, professional, governmental and personal services that are found in neighborhood business areas;
2. Encouraging *mixed use* (housing and retail/service) *developments*; and
3. Excluding commercial *uses* with extensive *outdoor storage* or auto-related *uses*.

B. Use of this zone is appropriate in areas that are designated by the comprehensive plan that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 07-0275 § 2.]

18.23.020

Use allowances.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the community business zone:

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	-------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Artists' Studios</i> <i>Arts and Crafts Schools/Studios</i> <i>Bed and Breakfast Guesthouses</i> <i>Family Child-Care Home²</i> <i>Day Care Centers I and II</i> <i>Eating and Drinking Places¹</i> <i>General Business Services</i> <i>Home Occupation</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Multiple-Family Dwelling</i> <i>Professional Offices</i> <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor¹</i> <i>Services, On-Site¹</i> <i>Single Detached Dwelling Unit, Existing Legal</i> <i>Trails</i>	<i>City Government Facilities and Offices</i> <i>College/University</i> <i>Communication Facility, Major and Minor; only when on a building; prohibit stand alone</i> <i>Community Residential Facility I or II</i> <i>Conference Centers</i> <i>Cultural Facilities</i> <i>Fire Facility</i> <i>K-12 Educational Institution (public or private)</i> <i>Medical/Dental Labs</i> <i>Nursing and Personal Care Facilities</i> <i>Police Facility</i> <i>Public Agency or Utility Office: Non-city</i> <i>Recreational Facilities, Indoor</i> <i>Religious Institutions: Church, Synagogue, Mosque, Temple</i> <i>Services, Off-Site</i> <i>Social Services, Noncorrectional</i> <i>Specialized Instruction School</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structure Supports</i> <i>Veterinary Offices/Clinics</i> <i>Vocational Schools</i>	<i>Adult Entertainment Business</i> <i>Auto Supply Stores</i> <i>Automotive Rental and Leasing</i> <i>Automotive Repair</i> <i>Automotive Service</i> <i>Bulk Retail</i> <i>Car Wash</i> <i>Construction and Trade</i> <i>Drive-Through Service</i> <i>Helistop</i> <i>Hospitals</i> <i>Hotel</i> <i>Indoor Storage</i> <i>Interim Recycling Facility</i> <i>Manufacturing</i> <i>Mobile Food Vendor</i> <i>Mobile Home Parks</i> <i>Motel</i> <i>Motor Vehicle and Boat Dealers</i> <i>Outdoor Performance Center</i> <i>Outdoor Retail Display/Sidewalk Sale</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Tow Truck Operation/Auto Yard</i> <i>Transit Center</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED

¹ Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

2. A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area as certified by the DEL licensor shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *city*;
- d. The *family child-care home* shall comply with all applicable development standards of the *city*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and
- f. The *city* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

[Ord. 07-0275 § 2.]

18.23.030**Accessory uses.**

Accessory uses, when consistent with the definitions and criteria in Chapter 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 07-0275 § 2.]

18.23.040**Zoning standards.**

The following zone-specific development standards in Table B apply in the community business zone:

Table B

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	24
Minimum Density: <i>Dwelling Units</i> /Gross Acre	18
Maximum Density: <i>Dwelling Units</i> /Gross Acre	36 for <i>mixed use development</i> .
Minimum <i>Street Setback</i> ¹	10 feet; or 0 feet for a <i>mixed use building</i> with commercial on the <i>ground floor</i> or for any <i>building</i> with structured parking.
Minimum Interior <i>Setback</i> : ¹	0 feet for commercial or <i>mixed use development</i> except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. 5 feet landscaped <i>setback</i> for residential except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. For all <i>interior lot lines</i> adjoining a property zoned R-1 to R-6 a 15-foot landscaped <i>setback</i> is required.
Base Height: ²	35 feet.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards.

¹ Any portion of *development* that occurs underground is exempt from property line *setback* requirements of this code section.

² The exceptions to height limits listed in KMC 18.30.060 do not apply to the base height allowed in the CB zone. Any *development* utilizing the exception to height limits for the CB zone between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

Exceptions to height limitations for the base height in the CB zone shall be:

- Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operations and maintenance, or for communication transmission and receiving *structures* may extend up to 10 feet above the 35-foot base height for a maximum of 25 percent of the average lot width.
- Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar *structures* may extend up to three feet above the maximum base height of 35 feet.
- Roof details or features that are used to comply with the roof form requirements of KMC 18.52.220 may extend a maximum of 10 feet above the 35-foot base height.

[Ord. 08-0291 § 1; Ord. 07-0275 § 2.]

Chapter 18.24

DOWNTOWN RESIDENTIAL ZONE

Sections:

- 18.24.010 Intent.
- 18.24.020 Use allowances.
- 18.24.030 Accessory uses.
- 18.24.040 Zoning standards.
- 18.24.050 Conflicts.

18.24.010

Intent.

A. The downtown residential zone 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 zone represents an opportunity to provide a range of housing types in the community with attention to appearance and scale.

B. 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 subsection (A) of this section. [Ord. 07-0277 § 2; Ord. 03-0175 § 18.]

18.24.020

Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown residential zone.

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	----------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Auction House, Existing⁶</i> <i>Automotive Service, Accessory¹</i> <i>Bed and Breakfast Guesthouse</i> <i>City Government Facilities and Offices</i> <i>Community Residential Facility I or II</i> <i>Cultural Facilities</i> <i>Family Child-Care Home⁸</i> <i>Day Care I or II ²</i> <i>Home Occupation</i> <i>Multiple-Family Dwelling³</i> <i>On-Site Services ⁴</i> <i>Parking: Off-Street Required Parking Lot or Structure</i> <i>Parks</i> <i>Professional Office⁴</i> <i>Recreation, Indoor: Sports Club</i> <i>Retail Sales, Indoor ⁴</i> <i>Single Detached Dwelling Unit, Existing Legal</i> <i>Trails</i> <i>Vehicle Auction, Existing⁷</i>	<i>Communication Facility, Major ⁵</i> <i>Eating and Drinking Places</i> <i>Nursing and Personal Care Facilities</i> <i>Religious Institutions: Church, Synagogue, Mosque, Temple</i> <i>Social Services, Noncorrectional</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i>	<i>Indoor Storage</i> <i>Mobile Home Parks</i> <i>Outdoor Storage</i> <i>Public Agency or Utility Office: Noncity</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i>

¹ Only permitted when accessory to and contained within a structured parking garage.

² *Day care II* permitted only when accessory to a school, church, *park*, *sport club* or public housing administered by a *public agency*.

³ *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, Downtown Design Standards.

⁴ Permitted only as part of a *mixed use development*, and must occupy 50 percent of the *ground floor at street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

⁵ Limited to tower *consolidations*.

⁶ Except for vehicle and animal auction *uses*. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *city's* approval of a site improvement plan that addresses the following issues:

- Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
- Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
- Ensures that expanded accessory parking area is not used for storage.

⁷ Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown residential zone located east of 68th Avenue NE, and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking outlined below, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the city's approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the city to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

⁸ A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area as certified by the DEL licensor shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the city;
- d. The *family child-care home* shall comply with all applicable development standards of the city, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of KMC Chapter 18.42; and
- f. The city has the authority to limit the hours of operation to facilitate neighborhood compatibility.

[Ord. 07-0277 § 2; Ord. 03-0175 § 18.]

18.24.030

Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 03-0175 § 18.]

18.24.040

Zoning standards.

Specific zone-based development standards for the downtown residential zone in Table B apply to the DR zone as follows:

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units</i> /Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE

STANDARD	REQUIREMENT
Minimum Density: <i>Dwelling Units</i> /Net Acre	18 – <i>Townhouse</i> only <i>development</i> 18-36 – <i>Townhouse/apartment</i> combination <i>development</i> 36 – <i>Apartments</i>
Minimum Lot Width	<i>Townhouse</i> – 20 ft. <i>Apartment</i> – 30 ft.
Minimum <i>Street Setback</i>	Primary <i>structure</i> – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum <i>Street Setback</i>	West of 68th Avenue NE, the maximum <i>setback</i> is 10 ft.
Minimum Interior <i>Setback</i>	5 ft.; otherwise when adjoining property zoned R-1 to R-6 zone then 20 ft.
Maximum Height	East of 68th Avenue NE – 60 ft. or 80 ft. if providing density incentives per Chapter 18.80 KMC West of 68th Avenue NE – 80 ft. ¹
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections shall be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

¹ Through the design review process the *city manager* may require greater upper story setbacks, or mass and bulk reductions, than otherwise stated in KMC 18.52.310 in order to achieve greater compatibility of *development* where DR zoned property abuts property zoned R-1 to R-12. For example, greater upper story setbacks may be required in proportion to the height of *structures* above 60 feet.

[Ord. 07-0260 § 1; Ord. 03-0175 § 18.]

18.24.050

Conflicts.

In the event of conflict between Chapter 18.52 KMC, Downtown Design Standards, and downtown residential zone standards, the Kenmore downtown design standards shall prevail. [Ord. 03-0175 § 18.]

Chapter 18.25

DOWNTOWN COMMERCIAL ZONE

Sections:

- 18.25.010 Intent.
- 18.25.020 Use allowances.
- 18.25.030 Accessory uses.
- 18.25.040 Zoning standards.
- 18.25.050 Conflicts.

18.25.010

Intent.

A. The downtown commercial zone 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 *critical 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.

B. *Uses* not compatible with the downtown commercial zone 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 not permitted. 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 subsection (A) of this section of this intent statement. *Park-and-ride/transit centers* are promoted along SR-522, particularly in the northwest quadrant of the 68th Avenue NE/SR-522 intersection. [Ord. 07-0277 § 2; Ord. 03-0175 § 17.]

18.25.020

Use allowances.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown commercial zone:

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
-----------	----------------------------	------------

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult Entertainment Businesses</i> ¹¹ <i>Artists Studios</i> <i>Arts and Crafts Schools/Studios</i> <i>Auction House, Existing</i> ¹² <i>Auto Supply Stores</i> <i>Automotive Rental and Leasing, Accessory</i> ¹ <i>Automotive Repair, Accessory</i> ¹ <i>Automotive Repair, Existing Legal</i> ¹⁰ <i>Automotive Service, Accessory</i> ¹ <i>Automotive Service, Existing Legal</i> ¹ <i>Bed and Breakfast Guesthouse</i> ² <i>Car Wash, Accessory</i> ¹ <i>City Government Facilities and Offices</i> <i>Conference Centers</i> <i>Cultural Facilities</i> <i>Day Care Centers I and II</i> <i>Drive-Through Service</i> ³ <i>Eating and Drinking Places</i> <i>Gasoline Service Stations, Existing Legal</i> <i>General Business Services</i> <i>Home Occupation</i> <i>Hotel</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Mobile Food Vendor</i> ⁴ <i>Motor Vehicle and Boat Dealers, Accessory</i> ¹ <i>Multiple-Family Dwelling</i> ⁵ <i>Off-Site Services</i> ⁸ <i>Outdoor Performance Center</i> ⁶ <i>Outdoor Retail Display/Sidewalk Sale</i> ⁷ <i>Professional Offices</i> <i>Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure</i> ⁹ <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Recreational Facilities, Indoor</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor</i> <i>Services, On-Site</i> <i>Social Services, Noncorrectional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Trails</i>	<i>College/University</i> <i>Communication Facility, Major and Minor: Only when on building; prohibit stand alone</i> <i>Community Residential Facility I or II</i> <i>Fire Facility</i> <i>Helistop</i> <i>Hospitals</i> <i>K-12 Educational Institution (public or private)</i> <i>Medical/Dental Labs</i> <i>Police Facility</i> <i>Public Agency or Utility Office: Noncity</i> <i>Religious Institutions: Church, Synagogue, Mosque, Temple</i> <i>Social Services, Correctional</i> <i>Specialized Instruction School</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i> <i>Vocational School</i>	<i>Automotive Rental and Leasing, New, Nonaccessory</i> <i>Automotive Repair, New, Nonaccessory</i> <i>Automotive Service, New, Nonaccessory</i> <i>Bulk Retail</i> <i>Car Wash, Nonaccessory</i> <i>Construction and Trade</i> <i>Gasoline Service Stations, New</i> <i>Indoor Storage</i> <i>Interim Recycling Facility</i> <i>Manufacturing</i> <i>Motel</i> <i>Motor Vehicle and Boat Dealers, Nonaccessory</i> <i>Nursing and Personal Care Facilities</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services, with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Tow Truck Operation/Auto Impoundment Yard</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Transit Center</i> ⁹ Vehicle Auction, Existing ¹³ Veterinary Offices/Clinics: No outdoor kennels or facilities		

- ¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing uses, or *motor vehicle and boat dealer uses*, may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair use and consistent with the following: (a) motor vehicles for sale, lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (c) shall be subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.
- ² Permitted only if part of a *mixed use development*.
- ³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of the ordinance codified in this title shall be permitted *drive-through service*. Where allowed, *drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.
- ⁴ *Mobile food vendors* are permitted subject to the following requirements:
- a. The stand is located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. The stand location on the sidewalk or near a storefront provides for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *structure* from the *site*;
 - d. No required parking stall shall be blocked or unusable as a result of the mobile vendor;
 - e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a *use*, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE such *uses* shall be subject to the following conditions:
- a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate *structures*, the 80 percent requirement shall apply to the *lot's* lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
 - b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

- c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential use.
- ⁶ Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.
- ⁷ *Outdoor retail displays/sidewalk sales* are permitted subject to:
 - a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial use;
 - b. Fire lanes shall remain fully open and accessible at all times;
 - c. The location on sidewalk or near storefront is barrier-free;
 - d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;
 - e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. Such display and activity is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ⁸ When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such use shall be housed on floors other than the *ground floor* street front facade.
- ⁹ a. Within the zone north of SR-522 and west of 68th Avenue NE, *transit centers* and commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Transit centers* or *commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center* or *commuter parking lot*.
 - b. Parking structures, in whatever location in the zone, shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, Downtown Design Standards.
 - c. Parking structures shall be designed consistent with Chapter 18.52 KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.
- ¹⁰ In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service uses as of April 28, 2003 shall be considered *existing legal uses*. Otherwise prohibited.
- ¹¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the use in this subsection, without regard to intervening *structures* or objects, if any:
 - a. Residentially zoned property;
 - b. Public or *private* school for general education of any grade K through 12;
 - c. School bus stop;
 - d. Licensed *day_care* or licensed preschool facility;
 - e. Public *park*;
 - f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by SR 522;
 - g. Sports fields or playgrounds;
 - h. Recreation or community center;
 - i. *Church, synagogue, mosque, temple*, or other house of religious worship;
 - j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

- ¹² Except for vehicle and animal auction uses. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *city's* approval of a site improvement plan that addresses the following issues:
- Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
 - Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
 - Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
 - Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
 - Ensures that expanded accessory parking area is not used for storage.
- ¹³ Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown commercial zone located east of 68th Avenue NE, and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking noted in this subsection, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted; however, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *city's* approval of a site improvement plan that addresses the following issues:
- Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
 - Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
 - Screening of *outdoor storage* and parking areas consistent with Kenmore Downtown Design Standard parking lot screening requirements, KMC 18.52.180;
 - Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *city* to adequately protect pedestrians traveling along property frontages; and
 - Ensures that expanded accessory parking area is not used for storage.

[Ord. 07-0277 § 2; Ord. 07-0256 § 4; Ord. 03-0175 § 17.]

18.25.030

Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 03-0175 § 17.]

18.25.040

Zoning standards.

The following zone-specific development standards in Table B apply in the downtown commercial zone:

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units</i> /Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: <i>Dwelling Units</i> /Net Acre for Stand-Alone Multifamily Proposals	36
Street Setback	Minimum 10 ft. from SR-522, unless otherwise allowed through the Chapter 18.52 KMC, Downtown Design Standards; other <i>streets</i> 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards The <i>city</i> may authorize intrusions of structural elements into the public right-of-way, including awnings, columns, bay windows, or others, through the design review, site plan review, building permit review, or right-of-way use permit processes, if such intrusions would not impede safe travel by pedestrians, solar access is not significantly diminished, and <i>city</i> liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	35 ft.
Maximum Height Applicable to <i>mixed use developments</i> containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to <i>developments</i> achieving density bonus; or to <i>developments</i> providing structured parking	65 ft.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

[Ord. 07-0267 § 3; Ord. 04-0197 § 1; Ord. 03-0175 § 17.]

18.25.050**Conflicts.**

In the event of conflict between Chapter 18.52 KMC, Downtown Design Standards, and downtown commercial zone standards, the Kenmore downtown design standards shall prevail. [Ord. 03-0175 § 17.]

Chapter 18.26

REGIONAL BUSINESS ZONE

Sections:

- 18.26.020 Use allowances.
- 18.26.040 Zoning standards.
- 18.26.060 Regional business zone – Existing legal uses.

18.26.020

Use allowances.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, special uses, or *prohibited uses* in the regional business zone:

Table A. Regional Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
---------------	-----------------	-------------	------------

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Multiple Family Dwelling ¹ Community Residential Facility I ¹ Community Residential Facility II ¹ Senior Citizen Assisted Living ¹ Residential Accessory Uses ² Home Occupation Hotel/Motel ³ Organization Hotel/Lodging Houses Park Trails Marina Sports Club ⁷ Adult Entertainment Business ⁸ Theater Bowling Center Amusement and Recreation Services ^{9,10} Amusement Arcades Library Museum Arboretum Conference Center General Personal Service Funeral Home/Crematory Cemetery, Columbarium or Mausoleum ¹² Day Care I Day Care II Veterinary Clinic ¹⁴ Automotive Repair ¹⁵ Automotive Service Miscellaneous Repair Church, Synagogue, Mosque, Temple Social Services ¹⁶	Bed and Breakfast Guesthouse ^{4,6} Destination Resorts Theater, Drive-in Shooting Range ¹¹ Amusement Park Cemetery, Columbarium or Mausoleum ¹³ Secondary or High School Helistop ²⁴ Food and Kindred Products Manufacture Winery/Brewery Apparel and Other Textile Products Manufacture Wood Products Manufacture, Except Furniture ²⁹ Furniture and Fixtures Manufacture Printing and Publishing Leather and Leather Goods Manufacture Computer and Office Equipment Manufacture Electronic and Other Electric Equipment Manufacture Measuring and Controlling Instruments Manufacture Miscellaneous Light Manufacturing ³² Tire Retreading Nonhydroelectric Generation Facility ³⁴	Outdoor Performance Center Jail Work Release Facility Public Agency Animal Control Facility Public Agency Training Facility ³³ Nonhydroelectric Generation Facility Oil and Gas Extraction Energy Resource Recovery Facility Landfill Transfer Station Wastewater Treatment Facility Municipal Water Production Airport/Heliport Transit Bus Base School Bus Base Racetrack ³⁶ Fairground Zoo/Wildlife Exhibit ³⁷ Stadium/Arena Secure Community Transition Facilities ³⁹	Single Detached Dwelling Unit Family Child-Care Home Designated Manufactured Home Mobile Home and Manufactured Home Mobile Home Park Dormitory Home Industry Campgrounds Recreational Vehicle Park Golf Facility Drycleaning Plants Industrial Launderers Stable Elementary School Middle/Junior High School Warehousing and Wholesale Trade ²¹ Farm Product Warehousing, Refrigeration and Storage Log Storage Transportation Service Heavy Equipment and Truck Repair Agricultural Product Sales Livestock Sales Textile Mill Products Paper and Allied Products Manufacture Chemicals and Allied Products Manufacture Petroleum Refining and Related Industries Rubber and Misc. Plastics Products Manufacture Primary Metal Industries Fabricated Metal Products Industrial and Commercial Machinery Manufacture

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Kennel or Cattery</i> <i>Theatrical Production Services</i> ¹⁷ <i>Artist Studios</i> <i>Interim Recycling Facility</i> <i>Medical/Dental Office/Outpatient Clinic</i> <i>Nursing and Personal Care Facilities</i> <i>Hospital</i> <i>Medical/Dental Lab</i> <i>Miscellaneous Health Services</i> <i>Vocational School</i> <i>Specialized Instruction School</i> <i>School District Support Facility</i> <i>Government/Business Services Land Uses; except Warehousing and Wholesale Trade; Farm Product Warehousing; Refrigeration and Storage; Log Storage; Transportation Service; Heavy Equipment and Truck Repair; and Helistop</i> ^{18,19,20,22,23} <i>Retail Land Uses, except Agricultural Product Sales and Livestock Sales</i> ^{25,26,27,28} <i>Printing and Publishing</i> ³⁰ <i>Stone, Clay, Glass and Concrete Products Manufacture</i> ³¹ <i>Miscellaneous Light Manufacturing</i> ³² <i>Movie Production/Distribution</i> <i>Communication Facility</i> ³⁵ <i>Earth Station</i>			<i>Heavy Machinery and Equipment Manufacture</i> <i>Railroad Equipment Manufacture</i> <i>Guided Missile and Space Vehicle Parts Manufacture</i> <i>Miscellaneous Transportation Vehicles Manufacture</i> <i>Motor Vehicle and Bicycle Manufacturing</i> <i>Aircraft, Ship and Boat Building</i> <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i>

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
College/University ³⁸			

B. Development Conditions.

1. Only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC, except that:

a. In the RB zone, stand-alone *townhouse* or stand-alone *apartment developments* with a base density no greater than 18 *dwelling units* per acre may be permitted; provided, the *city manager* finds that the *applicant's* property contains environmental and/or access constraints that significantly hinder commercial *development*; and further provided, that adequate access meeting *city* standards is available from other public *streets*. The development standards for the R18 zone shall be applicable to these *developments*.

2.a. See 18.73.100 KMC regarding *accessory dwelling units*.

b. One single or twin engine, noncommercial aircraft shall be permitted only on *lots* that abut, or have a legal access that is not a *city* right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

3. Except *bed and breakfast guesthouses*.

4. *Bed and breakfast guesthouses* shall be authorized after issuance of a *conditional use permit*, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

c. Parking shall be provided as required by this title; and

d. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

5. Reserved.

6. Only if part of a *mixed use development*, and subject to the conditions of subsection 4 of this section.

7. Only for stand-alone *sports clubs* that are not part of a *park*.

8. It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *use* in this subsection, without regard to intervening *structures* or objects, if any:

a. Residentially zoned property;

b. Public or *private* school for general education of any grade K through 12;

c. School bus stop;

d. Licensed *day care* or licensed preschool facility;

e. Public *park*;

f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

- h. Recreation or community center;
- i. *Church, synagogue, mosque, temple*, or other house of religious worship;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

- 9. Excluding amusement and recreational uses classified elsewhere in this chapter.
- 10. *Social card games*, as defined by this title, are prohibited.
- 11.a. Only in an enclosed *building*, and subject to the licensing provisions of KMC Title 5;
- b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:
 - (1) Installing ventilation systems that provide sufficient clean air in the user's breathing zone; and
 - (2) Adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.
- 12. Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
- 13. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- 14.a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
- 15. Except tire retreading.
- 16. Except day care services and residential care.
- 17. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed *day care* centers, *parks*, community centers, public libraries or churches that conduct religious or educational classes for minors.
- 18. *Private stormwater management facility* is permitted except that in commercial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
- 19. A *vactor waste receiving facility* is permitted, however, *vactor waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.
- 20. Trucking and courier service is permitted, but is limited to self-service household moving truck or trailer rental accessory to a gasoline service station and courier services, except by air.
- 21. Except *self-service storage*.
- 22. Automotive parking is permitted with no dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.
- 23. Research, development and testing is permitted, except commercial, economic, sociological, and educational research. See *general business service/office*.
- 24. Allowed as accessory to an allowed use.
- 25. *Motor vehicle and boat dealers* are permitted, excluding retail sale of trucks exceeding one-ton capacity.
- 26. Auto supply stores are permitted, but only for the sale of new or reconditioned automobile supplies.
- 27. Eating and drinking places are permitted, but *social card games*, as defined by this title, are prohibited.
- 28. *Auction houses* are permitted, excluding vehicle and *livestock* auctions.

- 29. Limited to wood kitchen cabinets and millwork (excluding planing mills).
- 30. Limited to photocopying and printing services offered to the general public.
- 31. Only within enclosed *buildings*.
- 32. Existing light manufacturing *uses* are permitted as “*existing legal*.” New light manufacturing *uses* require a *conditional use permit*.
- 33. Except weapons armories and outdoor *shooting ranges*.
- 34. Limited to *cogeneration* facilities for on-site use only.
- 35. The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standard outlined in Chapter 18.60 KMC.
- 36. Except racing of motorized vehicles.
- 37. Except arboretum.
- 38. Except technical institutions. See *vocational schools*.
- 39. *SCTF* Siting. *Secure community transition facilities* as defined in RCW 71.09.020 are permitted by *special use permit* in the regional business zone subject to the following restrictions:
 - a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.
 - b. Siting Criteria.
 - (1) *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
 - (2) No *SCTF* shall be allowed within the following distances from the following specified *uses*, areas or zones, whether such *uses*, areas or zones are located within or outside the *city* limits:
 - (A) In or within 250 feet of any residential zone district, or any residentially zoned property;
 - (B) Adjacent to, immediately across a *street* or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *church*, *synagogue*, *mosque*, *temple*; and public libraries.
 - (C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.
 - (3) The distances specified in subsection (B)(39)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land *use* is to be separated.
 - c. On-Site Facilities Required. Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site *recreational facilities* to serve the residents.
 - d. *Special Use Permit* Application Process. A *special use permit* application for an *SCTF* shall be accompanied by the following:
 - (1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.
 - (2) An analysis showing that utmost consideration was given to potential *sites* such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
 - (3) Proposed mitigation measures including the use of extensive buffering from adjacent *uses*.
 - (4) A detailed security plan for the facility and the residents.
 - (5) Proposed operating rules for the facility.
 - (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.26.040**Zoning standards.**

The following zone-specific development standards in Table C apply in the regional business zone:

C. Regional Business zoning standards.

	Z O N E	R B E U G S I I O N N E A S L S
STANDARDS		RB
Base Density: <i>Dwelling Unit/Acre</i>		36 du/ac (1)
Maximum Density: <i>Dwelling Unit/Acre</i>		48 du/ac (2)
Minimum <i>Street Setback</i>		10 ft (3)
Minimum Interior <i>Setback</i>		20 ft (4)
Base Height (5)		35 ft 65 ft (6)
Maximum <i>Floor Area Ratio</i> : Square Feet		2.5/1 (7)
Maximum <i>Impervious Surface</i> : Percentage (8)		90%

D. Development Conditions.

1. These densities are allowed only through the application of *mixed use development* standards.
2. These densities may only be achieved through the application of residential density incentives or *transfer of density credits* in *mixed use developments*. See Chapter 18.80 KMC.
3. Gas station pump islands shall be placed no closer than 25 feet to *street* front lines.
4. Required on property lines adjoining residential zones.
5. Height limits may be increased when portions of the *structure/building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may exceed 75 feet only in *mixed use developments*. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirement; provided, that the maximum height shall not exceed 75 feet.
6. This base height allowed only for *mixed use developments*.
7. The *floor area ratio* for *mixed use developments* shall conform to Chapter 18.50 KMC.
8. The *impervious surface* area for any *lot* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

18.26.060 Regional business zone – Existing legal uses.**A. Regional Business Zone – Existing Legal Uses.**

Specific Land Use	RB
<i>Existing legal uses</i> as of May 8, 2003, which are not otherwise allowed as a permitted use, conditional use, or special use in KMC 18.26, or a P-suffix or special overlay district pursuant to Chapter 18.47 KMC.	P

[Ord. 03-0175 § 13.]

Chapter 18.27**PUBLIC AND SEMI-PUBLIC ZONE**

Sections:

- 18.27.010 Public and semi-public zone – Intent.
- 18.27.020 Public and semi-public zone – Use allowances.
- 18.27.030 Public and semi-public zone – Accessory uses.
- 18.27.040 Public and semi-public zone – Development standards.
- 18.27.050 Public and semi-public zone – Additional development standards.
- 18.27.060 Public and semi-public zone – Site plan review process.
- 18.27.070 Public and semi-public zone – Rezone criteria.

18.27.010**Public and semi-public zone – Intent.**

The public and semi-public zone includes properties currently owned or operated by a public entity or private institution. *Uses* in the public and semi-public zone include but are not limited to the City Hall, fire stations, library properties, education facilities, public park-and-ride lots, *utility facilities* and other institutional *uses*. The purpose of the public and semi-public zone is to recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land *uses* must be considered when developing public and semi-public facilities. New facilities should include buffers, *landscaping*, and design standards to ensure compatibility with adjacent land *uses* and zones. Sidewalks, open *public spaces* and amenities should be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and *recreational facilities* where appropriate to the character of the neighborhood. The public and semi-public zone is applied to lands used for public and semi-public facilities and institutions designated as public and private facilities on the comprehensive plan land use map. *Master plans* are encouraged for *uses* in the public and semi-public zone. [Ord. 08-0293 § 2.]

18.27.020**Public and semi-public zone – Use allowances.**

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
Arboretum Caretaker Residence, Accessory City Government Facilities and Offices Commuter Parking Lot Conference Center Cultural Facilities Fire Facility Indoor Recreational Facilities; Excluding Sports Clubs K – 12 Educational Institutions (Public or Private) Open Space Outdoor Recreational Facilities Parks Police Facility Private Stormwater Management Facility Public Agency or Utility Office: Noncity Trails Utility Facility	Communication Facility, Major and Minor: Only When on Building: Prohibit Standalone Maintenance Yards or Facilities, Accessory Outdoor Performance Center Colleges/Universities	Jail Work Release Facility Landfill Transfer Station

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.27.060 and Chapter 18.105 KMC.

C. *Uses* Established by *Master Plan*. Adopted *master plans* that specify *uses* include the following:

1. Bastyr University Master Plan, December 2009, approved by *city* Ordinance 09-0304. [Ord. 09-0304 § 5 (Exh. C); Ord. 08-0293 § 2.]

18.27.030

Public and semi-public zone – Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 08-0293 § 2.]

18.27.040

Public and semi-public zone – Development standards.

A. Specific zone-based development standards for the public and semi-public zone in Table B shall apply to the public and semi-public zone as follows:

Table B. Public and Semi-Public Zone Development Standards

Standard	Requirement
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ³
Minimum <i>Interior Setback</i>	0 ft., 5 ft., or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	70%, 90% ⁵

- ¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal lot as of December 16, 2008.
 - ² The minimum lot size may be reduced if the *city manager* determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.
 - ³
 - a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:
 - (1) Zero feet if adjacent zoning is downtown commercial or downtown residential.
 - (2) Twenty feet if adjacent zoning is R-1 to R-6.
 - (3) Ten feet in all other cases.
 - b. *Interior setbacks*: zero feet if adjacent zoning is downtown commercial or downtown residential; 20 feet if adjacent zoning is R-1 to R-6; five feet in all other cases.
 - ⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and *interior setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.
 - ⁵
 - a. Ninety percent if abutting properties are zoned downtown commercial or downtown residential or regional business. Seventy percent in all other cases.
 - b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.
- B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.115.030, or through a site plan review process in KMC 18.27.060. [Ord. 08-0293 § 2.]

18.27.050**Public and semi-public zone – Additional development standards.**

A. Where the public and semi-public zone abuts a residential zone, the *city manager* may require a *landscaping* screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory *buildings*, or other features within the public and semi-public zone. Aesthetic safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met.

D. Properties abutting lands designated as downtown commercial, downtown residential, or regional business shall be subject to design standards of Chapter 18.52 KMC. [Ord. 08-0293 § 2.]

18.27.060**Public and semi-public zone – Site plan review process.**

Project sponsors in the public and semi-public zone shall undergo site plan review for purposes of establishing classified land *uses* or activities not otherwise established in KMC 18.27.020 as permitted or conditionally permitted, in accordance with Chapter 18.105 KMC. Site plan review shall not be used to establish *prohibited uses* listed in KMC 18.27.020. A site plan review shall be processed consistent with Chapter 18.105 KMC. [Ord. 08-0293 § 2.]

18.27.070**Public and semi-public zone – Rezone criteria.**

A. The public and semi-public zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the public and semi-public zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC.

C. Properties that are designated public and semi-public and that are less than one acre in size may be reclassified to the most prevalent zoning district surrounding the property through consideration of the Type 4 permit process, provided the requested zoning classification does not conflict with the overall intent of the public and private facilities comprehensive plan land use designation. [Ord. 08-0293 § 2.]

Chapter 18.28

PARKS ZONE

Sections:

- 18.28.010 Parks zone – Intent.
- 18.28.020 Parks zone – Use allowances.
- 18.28.030 Parks zone – Accessory uses.
- 18.28.040 Parks zone – Development standards.
- 18.28.050 Parks zone – Additional development standards.
- 18.28.060 Parks zone – Site plan review process.
- 18.28.070 Parks zone – Rezone criteria.

18.28.010

Parks zone – Intent.

The parks zone provides for *parks*, recreational, *open space*, and resource *uses* within publicly owned lands, and establishes standards that allow for such *uses* to continue or be established while ensuring compatibility with surrounding *uses*. Secondary *uses* include utilities. The parks zone is applied to lands used for public *parks*, recreation, and *open space* purposes and designated as public and private facilities on the comprehensive plan land use map. *Master plans* are encouraged for *park uses*. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.020

Parks zone – Use allowances.

- A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the parks zone.

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
-----------	----------------------------	--

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Arboretum <i>Boat launch</i> Caretaker Residence, Accessory ³ <i>City Government Facilities</i> and Offices <i>Cultural Facilities</i> <i>Dock</i> <i>Dwelling Unit, Single Detached</i> ¹ <i>Indoor Recreational Facilities:</i> Excluding <i>Sports Clubs</i> <i>Mobile Food Vendor</i> , Accessory ² <i>Open Space</i> <i>Outdoor Recreational Facilities</i> <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Trails</i> <i>Utility Facility</i> <i>Wildlife Shelter</i>		Service of alcoholic beverages, except by temporary use permit per Chapter 18.100 KMC or except by temporary usage of facilities in accordance with Chapter 9.40 KMC for <i>city</i> facilities

¹ One dwelling allowed per existing legal *lot* as of December 11, 2006.

² *Mobile food vendor* requirements:

- a. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *structure* from the *site*;
- b. No required parking stall shall be blocked or unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a *use*, such operation is removed daily at the time of or prior to the close of business hours;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

³ Attached dwellings may only be allowed as a reuse of a surplus nonresidential facility subject to Chapter 18.50 KMC.

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28.060 and Chapter 18.105 KMC. Proponents of projects that include land *uses* of different sizes or dimensions than those allowed in Table A may also request allowance of such *uses* pursuant to KMC 18.28.060 and Chapter 18.105 KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.030

Parks zone – Accessory uses.

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.040

Parks zone – Development standards.

A. Specific zone-based development standards for the parks zone in Table B shall apply to the parks zone as follows:

Table B. Parks Zone Development Standards

STANDARD	REQUIREMENT
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ³
Minimum Interior <i>Setback</i>	5 ft. or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	2 – 30% ⁵

¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal *lot* as of December 11, 2006. Caretaker residence, accessory: when attached may only be allowed as a reuse of a surplus nonresidential facility subject to Chapter 18.50 KMC.

² The minimum lot size may be reduced if the *city manager* determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

³ a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:

(1) Zero feet if adjacent zoning is downtown commercial or residential.

(2) Twenty feet if adjacent zoning is R-1 to R-6.

(3) Ten feet in all other zones.

b. Interior *setbacks*: 20 feet if adjacent zoning is R-1 to R-6; five feet in all other zones.

⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet.

⁵ a. For the purposes of this zone, paved *trails* are not considered *impervious surface*; provided, that *city* stormwater and other applicable requirements are met.

b. The following maximum *impervious surface* standards apply based on the size of the *park* property;

(1) One hundred acres or greater: five percent.

(2) Thirty to 100 acres: 10 percent.

(3) Less than 30 acres: 30 percent.

c. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.115.030, or through a site plan review process in KMC 18.28.060. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.050

Parks zone – Additional development standards.

A. Where the parks zone abuts a residential zone, the *city manager* may require a *landscaping* screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory *buildings*, or other features within the parks zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met. The *city manager* shall have the authority to waive the requirement to provide lighting. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.060**Parks zone – Site plan review process.**

Project sponsors in the parks zone shall undergo site plan review for purposes of establishing classified land *uses* or activities not otherwise established in KMC 18.28.020 as permitted or conditionally permitted, in accordance with Chapter 18.105 KMC. Site plan review shall not be used to establish *prohibited uses* listed in KMC 18.28.020. A site plan review shall be processed consistent with Chapter 18.105 KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

18.28.070**Parks zone – Rezone criteria.**

A. The parks zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the parks zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC. [Ord. 08-0293 § 2; Ord. 06-0254 § 4.]

Chapter 18.28A**GOLF COURSE ZONE**

Sections:

- 18.28A.010 Golf course zone – Intent.
- 18.28A.020 Golf course zone – Use allowances.
- 18.28A.030 Golf course zone – Accessory uses.
- 18.28A.040 Golf course zone – Development standards.
- 18.28A.050 Golf course zone – Additional development standards.
- 18.28A.060 Golf course zone – Site plan review process.
- 18.28A.070 Golf course zone – Rezone criteria.

18.28A.010**Golf course zone – Intent.**

The golf course zone provides for golf course activities and the protection and preservation of *open space* qualities of lands that are developed for golf course *uses*. The district allows for a mix of active golf-related *recreational facilities* and supporting infrastructure. *Master plans* are encouraged for recreational *uses*. The golf course zone is applied to lands used for golf course related purposes and designated as public and private facilities on the comprehensive plan land use map. [Ord. 08-0293 § 2.]

18.28A.020**Golf course zone – Use allowances.**

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the golf course zone.

Table A. Golf Course Zone Use Allowances

Permitted	Conditionally Permitted	Prohibited (or Excluded in Definitions)
Caretaker Residence, Accessory Clubhouse Conference Center, Accessory Cultural Facilities Driving Range Eating and Drinking Places, Accessory Golf Course Facility Maintenance Facility, Accessory Open Space Private Stormwater Management Facility Recreational Facilities, Indoor Recreational Facilities, Outdoor Retail Sales, Indoor, Accessory Trails Utility Facility Wildlife Shelter	<i>Communication Facility, Major and Minor; Only When on Building; Prohibit Standalone Outdoor Performance Center</i>	Residential Dwellings, Nonaccessory

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28A.060 and Chapter 18.105 KMC. Proponents of projects that include land uses allowed as accessory permitted or accessory conditionally *permitted uses* in Table A may also request allowance of such uses as primary uses pursuant to KMC 18.28A.060 and Chapter 18.105 KMC. [Ord. 08-0293 § 2.]

18.28A.030**Golf course zone – Accessory uses.**

Accessory uses, when consistent with definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*. [Ord. 08-0293 § 2.]

18.28A.040**Golf course zone – Development standards.**

A. Specific zone-based development standards for the golf course zone in Table B shall apply to the golf course zone as follows:

Table B. Golf Course Zone Development Standards

Standard	Requirement
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.10 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	20 ft. or 30 ft. ³
Minimum Interior <i>Setback</i>	10 ft. or 20 ft. ³
Base Height	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	10% ⁵

¹ *Dwelling unit, single detached uses*: limited to one *single detached dwelling unit* per existing legal lot as of December 16, 2008.

² The minimum lot size may be reduced if the *city manager* determines *use* on the *site* is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

³ a. *Street setbacks*: the minimum *street setback* varies depending on the adjacent zoning:

(1) Thirty feet if adjacent zoning is R-1 to R-6.

(2) Twenty feet in all other cases.

b. *Interior setbacks*: 20 feet if adjacent zoning is R-1 to R-6; ten feet in all other cases.

c. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

⁴ Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet.

⁵ a. For the purposes of this zone, paved *trails* are not considered *impervious surface*; provided, that *city* stormwater and other applicable requirements are met.

b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

B. Standards may be varied through a *variance* process pursuant to Chapter 19.25 KMC and KMC 18.115.030, or through a site plan review process in KMC 18.28A.060. [Ord. 08-0293 § 2.]

18.28A.050

Golf course zone – Additional development standards.

A. Where the golf course zone abuts a residential zone, the *city manager* may require a *landscaping* screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory *buildings*, or other features within the golf course zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed.

B. Accessory *buildings* and other *structures* shall be clustered together to the greatest extent feasible in order to reduce lengthy *buildings* and *impervious surfaces*. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed where feasible, consistent with adopted Kenmore stormwater management standards.

C. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The lighting standards of KMC 18.52.140 shall be met. The *city manager* shall have the authority to waive the requirement to provide lighting. [Ord. 08-0293 § 2.]

18.28A.060

Golf course zone – Site plan review process.

Project sponsors in the golf course zone shall undergo site plan review for purposes of establishing classified *land uses* or activities not otherwise established in KMC 18.28A.020 as permitted or conditionally permitted, in accordance with Chapter 18.105 KMC. Site plan review shall not be used to establish *prohibited uses* listed in KMC 18.28A.020. A site plan review shall be processed consistent with Chapter 18.105 KMC. [Ord. 08-0293 § 2.]

18.28A.070

Golf course zone – Rezone criteria.

A. The golf course zone may be established by a Type 4 land use decision per Chapter 19.25 KMC, where the zone *reclassification* implements the public and private facilities comprehensive plan designation.

B. If a comprehensive plan amendment is required to establish the public and private facilities land use designation, and is proposed to be implemented by the golf course zone, such comprehensive plan and zoning amendments shall be processed in accordance with Chapters 19.20 and 19.25 KMC. [Ord. 08-0293 § 2.]

Chapter 18.30

DEVELOPMENT STANDARDS – GENERAL

Sections:

- 18.30.010 Purpose.
- 18.30.020 Density calculations – Allowable dwelling units, lots or floor area.
- 18.30.040 Fences
- 18.30.050 Height - Measurement methods.
- 18.30.060 Height – Exceptions to limits.
- 18.30.070 Light and glare.
- 18.30.080 Lot area – Prohibited reduction.
- 18.30.090 Lot area – Minimum lot area for construction.
- 18.30.100 Lot divided by zone boundary.
- 18.30.110 Lot width - Measurement methods.

- 18.30.115 Public nuisance – Prohibited activities.
- 18.30.130 Recreation space - On-site areas.
- 18.30.140 Recreation space - Maintenance.
- 18.30.150 Recreation space - Financial guarantees.
- 18.30.155 Recreational vehicles.
- 18.30.160 Setbacks - Measurement.
- 18.30.170 Setbacks – Specific building or use.
- 18.30.190 Setbacks – Modifications.
- 18.30.200 Setbacks – From regional utility corridors.
- 18.30.210 Setbacks – From alley.
- 18.30.220 Setbacks – Required modifications.
- 18.30.230 Setbacks – Projections and structures allowed.
- 18.30.240 Sight distance requirements.
- 18.30.250 Storage space and collection points for trash and recyclables.
- 18.30.260 Trail corridors – Applicability.
- 18.30.270 Trail corridors – Design standards.
- 18.30.280 Trail corridors – Maintenance of trail corridors/improvements.

18.30.010**Purpose.**

The purpose of this chapter is to establish basic standards for *development* relative to residential density, dimensional requirements and specific rules for general application. The standards and rules are established to provide flexibility in project design, maintain privacy between adjacent *uses* and meet the on-site recreation needs of project residents.

[Ord. 98-0026 §§ 1, 2 (KCC 21A.12.010).]

18.30.020**Density Calculations – Allowable dwelling units, lots or floor area.**

Permitted number of *dwelling units*, or *lots* or floor area shall be determined as follows:

- A. The allowed number of *dwelling units* or *lots* (base density) shall be computed by multiplying the *site area* by the applicable residential base density number;
- B. The maximum density (unit or *lot*) limits shall be computed by adding the bonus or transfer units authorized by Chapter 18.80 KMC to the base units computed under subsection (A) of this section;
- C. The allowed floor area shall be computed by applying the *floor area ratio* to the project *site area*; and
- D. Except for short subdivisions of four or fewer *lots*, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
 - 1. Fractions of 0.50 or above shall be rounded up; and
 - 2. Fractions below 0.50 shall be rounded down.
- E. When density calculations result in a fraction, the permitted number of *lots* derived from short subdivisions of four or fewer *lots* shall be rounded as follows:
 - 1. For a short subdivision resulting in less than two *lots* (base density) as described in subsection (A) of this section, fractions of 0.85 shall be rounded up to the nearest whole number and fractions below 0.85 shall be rounded down.
 - 2. For a short subdivision resulting in more than two but less than three *lots* (base density) as described in subsection (A) of this section, fractions of 0.75 shall be rounded up to the nearest whole number and fractions below 0.75 shall be rounded down.
 - 3. For a short subdivision resulting in more than three *lots* but less than four *lots* (base density) as described in subsection A of this section, fractions of 0.60 shall be rounded up to the nearest whole number and fractions below 0.60 shall be rounded down. [Ord. 08-0289 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.070).]

18.30.040**Fences.**

Fences are permitted as follows:

A. *Fences* exceeding a height of eight feet shall comply with the applicable *street* and interior *setbacks* of the zone in which the property is located.

B. *Fences* located on a rockery, *retaining wall*, or *berm* within a required *setback* area are permitted subject to the following requirements:

1. In R-1 through R-18, P and GC zones:

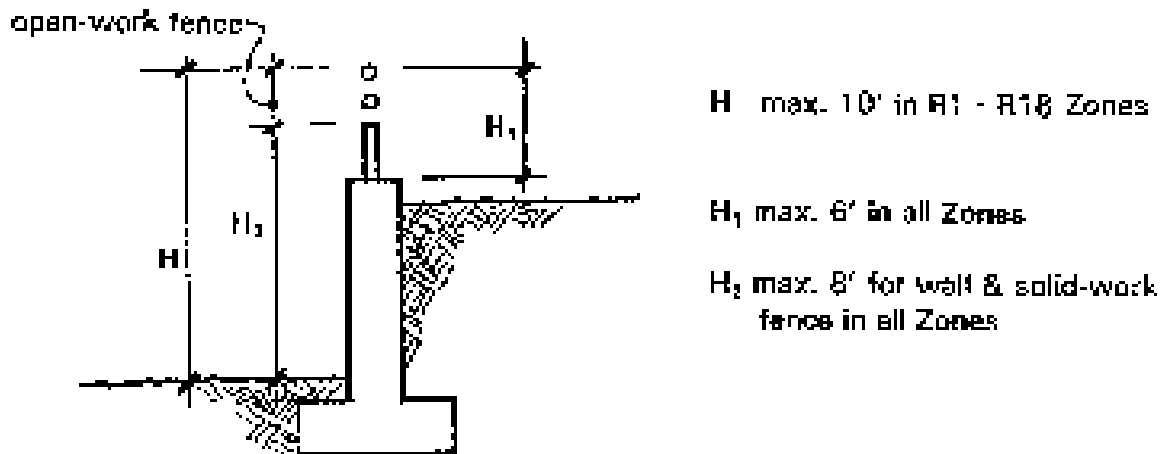
(1) The total height of the *fence* and the rockery, *retaining wall* or *berm* upon which the *fence* is located shall not exceed a height of 12 feet. This height shall be measured from the top of the *fence* to the ground on the low side of the rockery, *retaining wall* or *berm*; and

(2) The total height of the *fence* itself, measured from the top of the *fence* to the top of the rockery, *retaining wall* or *berm*, shall not exceed eight feet.

2. In the R-24, R-48, DR, PSP, and commercial zones, the height of the *fence*, measured from the top of the *fence* to the top of the rockery, *retaining wall* or *berm*, shall not exceed eight feet.

3. Any portion of the *fence* above a height of eight feet, measured to include both the *fence* and the rockery, *retaining wall*, or *berm* (as described in subsection (A)(1)(a)(1) of this section), shall be an *open-work fence*.

C. *Fences* located on a rockery, *retaining wall* or *berm* outside required *setback* areas shall not exceed the building height for the zone, measured in accordance with the standards established in the *city building code*, KMC Title 15.

ILLUSTRATION NEEDS TO BE ADJUSTED**RETAINING WALL WITH FENCE IN SETBACK**

D. Electric *fences* shall:

1. Be permitted in all zones; provided, that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric *fence* from abutting property;
2. Comply with the following requirements:
 - a. An electric *fence* using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamps;
 - b. An electric *fence* using continuous current shall be limited to 1,500 volts at seven milliamps;
 - c. All electric *fences* in the R-4 through R-48 zones shall be posted with permanent *signs* a minimum of 36 square inches in area at 50-foot intervals stating that the *fence* is electrified; and
 - d. Electric *fences* sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and
- E. Except as specifically required for the necessary security related to a nonresidential *use*, no barbed or razor-wire *fence* shall be located in any R-4 through R-48 zone. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.220).]

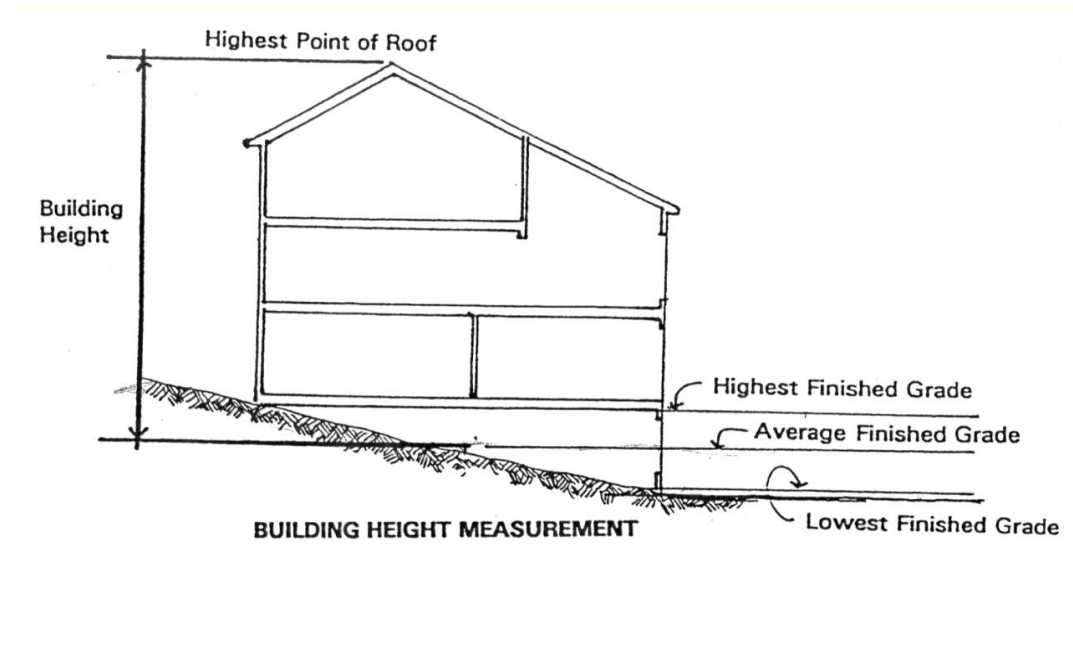
18.30.050

Height - Measurement method.

A. Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the *building* and then averaging the ground elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured ground elevations do not include *berms*.

B. When a proposed building height is within 1 foot of the maximum allowable height, the *applicant* shall provide a survey prior to final inspection, performed by a licensed surveyor, demonstrating compliance with the *city's* height regulations.

SECOND ILLUSTRATION NEEDS TO BE ADDED



18.30.060**Height – Exceptions to limits.**

The following *structures* may be erected above the height limits:

A. Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operation and maintenance; and

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving *structures*, utility line towers and poles, and similar *structures*.

Development in the CB zone (see KMC 18.23.040) is specifically excluded from the exceptions to height limitations of this section. All height provisions and exceptions to height limitations for the CB zone are found in KMC 18.23.040. [Ord. 08-0291 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.180).]

18.30.070**Light and Glare.**

A. To minimize adverse impacts of lighting on motorists, pedestrians and the surrounding area, the following site standards apply:

1. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the property and directed downward and away from adjoining properties, *streets* and public walkways.

2. Lighting shall not blink, flash, or be of unusually high intensity or brightness.

B. In no case shall more than one foot-candle power of light five feet aboveground cross a property line in a residential zone as measured by a light meter meeting the American National Standards Institute specifications for such instruments.

C. The owner of the property on which the light source is located shall bear the burden of proof that exterior lighting on their property meets these requirements, including the expense of a light meter reading. The meter reading shall be taken by a person deemed qualified by the *city manager*.

D. To reduce light and glare impacts, the *city manager* is authorized to require mitigating measures including, but not limited to, removal of the light; limiting the area and intensity of illumination; limiting the location or angle of illumination; limiting the hours of illumination; and/or requiring landscaping.

E. Residential and commercial holiday lighting; overhead street lighting and warning, emergency, or traffic signals; and lighting associated with permitted *signs* as described in KMC Chapter 18.42 are exempt from the provisions of this section.

18.30.080**Lot area – Prohibited reduction.**

Any portion of a *lot* that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such *lot*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.090).]

18.30.090**Lot area – Minimum lot area for construction.**

Except as provided for *nonconformances* in Chapter 18.100 KMC, in the R1, R4 and R6 zones no construction shall be permitted on a *lot* that contains an area of less than 2,500 square feet or that does not comply with the applicable minimum lot width, except for a legal *lot* as determined through KMC 17.15.070 created prior to February 2, 1995 that since February 2, 1995 has not simultaneously been owned by the owner of a contiguous *lot(s)*. [Ord. 08-0293 § 2; Ord. 04-0213 § 6; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.100).]

18.30.100**Lot divided by zone boundary.**

When a *lot* is divided by a zone boundary, the following rules shall apply:

A. When a *lot* contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required *setbacks* on the *site*;

B. When a *lot* contains residential zones of varying density:

1. Any residential density transfer within the *lot* shall be allowed from the portion with the lesser residential density to that of the greater residential density;

2. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

a. The units transferred from any R-12 to R-48 zoned portion of the *lot* are maintained in an attached dwelling unit configuration on the lower density portion receiving such units,

b. The transfer does not reduce the minimum density achievable on the *lot*,

c. The transfer enhances the efficient use of needed infrastructure,

d. The transfer does not result in significant adverse impacts to the low density portion of the *lot*,

e. The transfer contributes to preservation of *critical areas*, wildlife corridors, or other natural features, and

f. The transfer does not result in significant adverse impacts to adjoining lower density properties;

3. Compliance with these criteria shall be evaluated during review of any *development proposals* in which such a transfer is proposed; and

C. *Uses* on each portion of the *lot* shall only be those permitted in each zone. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.200).]

18.30.110

Lot width - Measurement method.

Lot width shall be measured by scaling a circle of the applicable diameter within the boundaries of the *lot*; provided, that an access easement, access tract, access panhandle and building *setbacks* shall not be included within the circle area. See KMC 17.20.120(C) for additional standards related to *lot* configuration.

18.30.115

Public nuisance – Prohibited activities.

It is unlawful for any person to keep, maintain or deposit on any property in the *city* a public nuisance including, but not limited to, the following:

A. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.

B. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the Fire Code as adopted by the *city* pursuant to KMC 15.10.010.

C. *Abandoned vehicles, wrecked, dismantled or inoperative vehicles* or remnant parts thereof. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.230).]

18.30.130

Recreation space - On-site areas.

A. Single-family detached subdivisions, *apartment, townhouse* and *mixed use development*, of more than nine units in the R-4 through R-48 and DR zones and stand-alone *townhouse developments* in the NB or DC zone of more than nine units, excluding age restricted *senior citizen* housing, shall provide a common recreational open space area on-site, except when facilities are available to the public that meet all of the following requirements:

1. Are developed as a county, municipal or regional *park*;

2. Are located within one-quarter-mile walking distance; and

3. Are accessible without crossing any arterial *street*.

B. Common recreational open space area designs shall comply with the following requirements:

1. Provide at least 45 square feet per *dwelling unit*, with a minimum size of 450 square feet;

2. Be adjacent to main pedestrian paths or near building entrances;

3. Be suitable and safe as a play space for children; and

4. Be graded and landscaped to encourage use by occupants of the *development*, including children. The *applicant* may provide permanent amenities (seating, picnic tables, play equipment, etc.). If play equipment is proposed, the equipment shall meet, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing.

C. Subdivisions with common recreational open space areas which are contained within the on-site stormwater tracts, but are located outside of the 100-year design water surface, may be credited for up to 50 percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowners' association or other organization as approved by the *city manager*;

2. The stormwater facilities shall be constructed to meet the following conditions:

a. The side slope of the stormwater facilities shall not exceed 33 percent unless slopes are existing, natural and covered with *vegetation*;

b. A bypass system or an *emergency* overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;

c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as *trails*, picnic areas and aesthetic viewing; and

d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

D. In the case of joint use of the tract for stormwater facilities and recreation space, the *city* shall be responsible for maintenance of the stormwater facilities only and will require a drainage easement for that purpose.

E. A recreational open space plan shall be submitted to the *department* and reviewed and approved with engineering plans.

1. The recreational open space plan shall address all portions of the *site* which will be used to meet recreation space requirements of this section (including stormwater facilities). The plan shall show dimensions, finished grade, landscaping and improvements, as required by the *city manager*, to demonstrate that the requirements of this section have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space pursuant to subsection (A) of this section will be met. [Ord. 03-0175 § 27; Ord. 01-0109 Ch. III, § 4(C); Ord. 00-0097 § 1(C); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.190).]

18.30.140

Recreation space - Maintenance.

Maintenance of any common recreational open space provided under KMC 18.30.130 shall be the responsibility of the owner(s) or other separate entity capable of long-term maintenance and operation in a manner acceptable to the *city*. [Ord. 00-0097 § 1(D); Ord. 98-0026 §§ 1, 2 (KCC 21A.14.200).]

18.30.150

Recreation space - Financial guarantees.

Financial guarantees for construction of recreation facilities required by KMC 18.30.130 shall be provided consistent with the provisions of KMC Title 21. [Ord. 00-0097 § 1(E).]

18.30.155

Recreational vehicles.

A. A single *recreational vehicle* (RV) may be occupied for temporary lodging for up to three weeks on a *lot* already containing another *dwelling unit* with the permission of the property owner subject to the following conditions:

1. No more than two three-week periods shall be permitted per calendar year per lot and the two periods shall be separated by a minimum of 30 calendar days;
2. Such use shall not create a public health hazard or nuisance;
3. The RV shall be parked on an approved parking pad;
4. No business occupation shall be conducted in said RV;
5. The RV shall not use generators.

B. An RV may be occupied for temporary lodging for up to 45 consecutive days if connected to approved utilities including potable water and wastewater disposal and approved through a temporary use permit.

1. The temporary use permit issued must be affixed to the RV in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way.

18.30.160**Setbacks - Measurement.**

A. *Street Setback.* The *street setback* is measured from the existing edge of a *street* right-of-way or temporary turnaround or the edge of the *street* paving if it extends beyond the right-of-way, whichever is closer to the proposed *structure*, to a line parallel to and measured perpendicularly from the *street* right-of-way or temporary turnaround or the edge of the *street* paving which extends beyond the right-of-way at the depth prescribed for each zone. A *lot* may have more than one *street setback*.

B. *Rear Setback.* The rear *setback* is measured from the line opposite the *street* lot line to which a *building* faces, to a line parallel to and measured perpendicularly from the rear lot line at the depth prescribed for the zone. On a corner *lot*, the *street* lot line to which a *building* faces shall be determined by the *city manager* to be the yard which best conforms to the pattern of the adjacent block faces. A *lot* shall have only one rear *setback*.

C. *Side Setback.* Any boundary of a *lot* which is not a *street* lot line or a rear lot line is considered a side lot line. The side *setback* is measured from side lot lines to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for the zone. [Ord. 08-0289 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.12.110).]

D. *Interior Setback.* Any boundary of a *lot* which is not a *street* lot line is considered an interior lot line. The interior *setback* is measured from interior lot lines to a line parallel and measured perpendicularly from the interior lot lines at the depth prescribed for the zone.

18.30.170**Setbacks – Specific building or use.**

When a *building* or *use* is required to maintain a specific *setback* from a property line or other *building*, such *setback* shall apply only to the specified *building* or *use*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.120).]

18.30.190**Setbacks – Modifications.**

The following *setback* modifications are permitted:

A. When the common property line of two *lots* is covered by a *building(s)*, the *setbacks* required by this chapter shall not apply along the common property line; and

B. When a *lot* is located between *lots* having nonconforming *street setbacks*, the required *street setback* for such *lot* may be the average of the two nonconforming *setbacks* or 60 percent of the required *street setback*, whichever results in the greater *street setback*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.130).]

18.30.200**Setbacks – From regional utility corridors.**

A. In subdivisions and short subdivisions, areas used as *regional utility corridors* shall be contained in separate tracts.

B. In other types of land *development permits*, easements shall be used to delineate such corridors.

C. All *buildings* and *structures* shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of *regional utility corridors*, except for utility *structures* necessary to the operation of the utility corridor or when *structures* are allowed by mutual agreement in the utility corridor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.140).]

18.30.210**Setbacks – From alley.**

A. *Structures* may be built to a property line abutting an *alley*, except as provided in subsection (B) of this section.

B. Vehicle access points from garages, carports or fenced parking areas shall be set back from the *alley* property line to provide a straight line length of at least 26 feet, as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite edge of the *alley*. No portion of the garage or the door in motion may cross the property line. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.150).]

18.30.220**Setbacks – Required modifications.**

The following *setback* modifications are required:

A. In addition to providing the standard *street setback*, a *lot* adjoining a half-street or designated arterial shall provide an additional width of *street setback* sufficient to accommodate construction of the planned half-street or arterial; and

B. Where the standard *setback* for a property is modified within an adopted subarea or neighborhood plan area zoning, the applicable *setback* shall be that specified therein. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.160).]

18.30.230**Setbacks – Projections and structures allowed.**

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;
2. Not wider than 10 feet; and. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, RB, PSP, P, and GC zones;
2. Eighteen inches into side *setbacks* in the R zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-48 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;

D. Eaves may not project more than:

1. Eighteen inches into an interior *setback*;
2. Twenty-four inches into a *street setback*; or
3. Eighteen inches across a lot line in a zero-lot-line *development*;

E. *Fences* with a height of eight feet or less may project into or be located in any *setback*;

F. Rockeries, *retaining walls* and curbs may project into or be located in any *setback* provided these *structures*:

1. Do not exceed a height of six feet in the R-1 through R-18, Parks and Golf Course zones;
2. Do not exceed a height of eight feet in the R-24, R-48 and Downtown Residential zones; and
3. Do not exceed the building height for the zone in commercial and Public/Semi-Public zones, measured in

accordance with the standards established in the *city building code*, KMC Title 15;

G. *Fences* located on top of rockeries, *retaining walls* or *berms* are subject to the requirements of KMC 18.30.040;

H. Telephone, power, light and flag poles;

I. The following may project into or be located within a *setback*, but may only project into or be located within a five-foot interior *setback* area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the *city* prior to the installment or construction of the *structure*:

1. Sprinkler systems, electrical and cellular equipment cabinets, air conditioning units, and other similar utility boxes and vaults;

2. Security system access controls;

3. *Structures*, except for *buildings*, associated with *trails* and on-site recreation spaces required in KMC 18.30.120 and KMC 18.30.130 such as benches, picnic tables and drinking fountains; and

4. Surface water management facilities as required by Chapter 13.35 KMC;

J. Mailboxes and newspaper boxes may project into or be located within *street setbacks*;

K. Fire hydrants and associated appendages;

L. Metro bus shelters may be located within *street setbacks*;

M. Unless otherwise allowed in KMC 18.42.090, freestanding and *monument signs* four feet or less in height, with a maximum *sign* area of 20 square feet may project into or be located within *street setbacks*; and

N. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

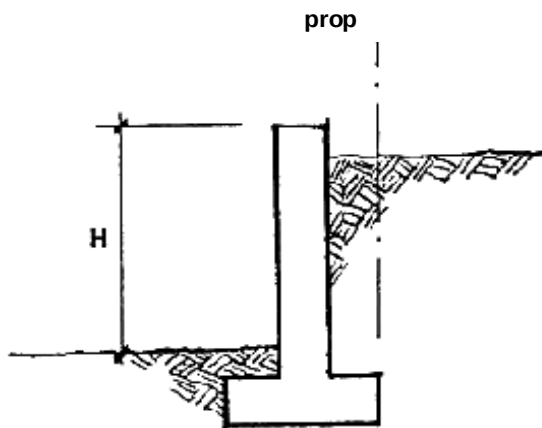
1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line.

O. Minor improvements such as garden sculpture, *landscape water features*, trellises not attached to a building, and similar decorative *structures*;

P. In a rear *setback* in the R4 and R6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *city* as a whole and provided that they shall be no closer than 5' to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title.
2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or ten feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;
3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

RETAINING WALL IN SETBACK



**H max. 6' in R1- R18
& Resource Zones**

**H max. 8' in R24 and R48 Zones, and
not to exceed building height
requirement in Commercial/Industrial
Zones**

ILLUSTRATION NEEDS TO BE AMENDED

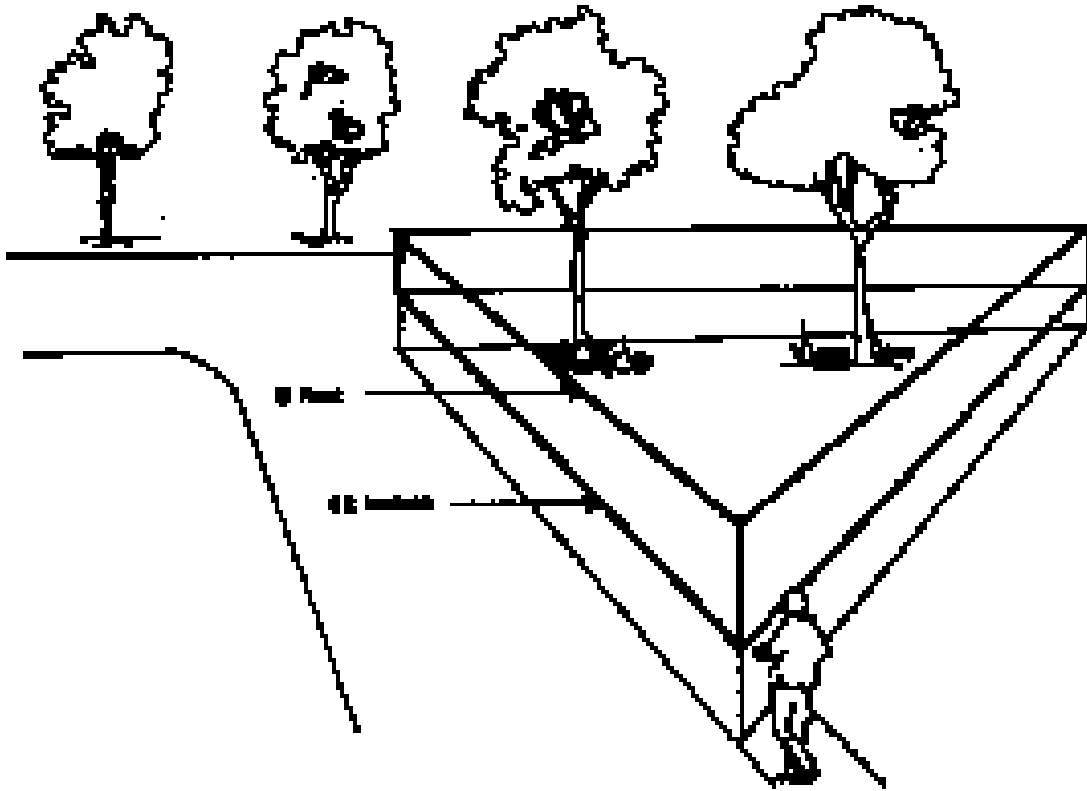
[Ord. 98-0026 §§ 1, 2 (KCC 21A.12.170).]

18.30.240

Sight distance requirements.

Except for utility poles and traffic control *signs*, the following sight distance provisions shall apply to all intersections and *site* access points:

A. A sight distance triangle area as determined by subsection (B) of this section shall contain no *fence*, *berm*, *vegetation*, on-site vehicle parking area, *signs* or other physical obstruction between 42 inches and eight feet above the existing street grade;



NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

B. The sight distance triangle at:

1. A *street* intersection shall be determined by measuring 15 feet along both *street* property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

2. A *site* access point shall be determined by measuring 15 feet along the *street* lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

C. The *city manager* may require modification or removal of *structures* or landscaping located in required *street setbacks*, if:

1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and

2. No reasonable driveway relocation alternative for an adjoining *lot* is feasible. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.210).]

D. If an off-site sight distance triangle is created on adjoining property, the *applicant* shall obtain an easement from the neighboring property owner for the area of the sight distance triangle and make such modifications as are necessary to provide adequate sight distance for drivers.

E. The city manager may modify any of the requirements of this section as long as public safety is not compromised.

18.30.250

Storage space and collection points for trash and recyclables.

Multiple-family dwelling and nonresidential *developments* shall provide storage space for the collection of trash and recyclables as follows (for all zones except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, as described in subsection (G) of this section):

A. The storage space shall be provided at the following rates, calculated based on any new *dwelling unit* in *multiple-family dwelling developments* and any new square feet of *building* gross floor area in any other *developments*:

1. One and one-half square feet per *dwelling unit* in *multiple-family dwelling developments* except where the *development* is participating in a city-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. Two square feet per every 1,000 square feet of *building* gross floor area in office, educational and institutional *developments*;

3. Three square feet per every 1,000 square feet of *building* gross floor area in manufacturing and other nonresidential *developments*; and

4. Five square feet per every 1,000 square feet of *building* gross floor area in retail *developments*.

B. The storage space for residential *developments* shall be apportioned and located in collection points as follows:

1. The required storage area shall be dispersed in collection points throughout the *site* when a residential *development* comprises more than one *building*.

2. There shall be one collection point for every 30 *dwelling units*.

3. Collection points may be located within residential *buildings*, in separate *buildings/structures* without *dwelling units*, or outdoors.

4. Collection points located in separate *buildings/structures* or outdoors shall be no more than 200 feet from a common entrance of a residential *building*.

5. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

C. The storage space for nonresidential *developments* shall be apportioned and located in collection points as follows:

1. Storage space may be allocated to a centralized collection point.

2. Outdoor collection points shall not be located in any required *setback* areas.

3. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

4. Access to collection points may be limited, except during regular business hours and/or specified collection hours.

D. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for trash and recyclables.

2. Architectural design of any *structure* enclosing an outdoor collection point or any *building* primarily used to contain a collection point shall be consistent with the design of the primary *structure(s)* on the *site*.

3. Collection points shall be identified by *signs* not exceeding two square feet.

4. A minimum six-foot tall wall or *fence* shall enclose any outdoor collection point.

5. Enclosures for outdoor collection points and *buildings* used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any *building* or other roofed *structure* used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of trash and recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

E. Only trash and *recyclable materials* generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

F. The *city manager* may waive or modify specific storage space and collection point requirements set forth in this section if the *city manager* finds, in writing, that an alternate program design proposed by the *applicant* meets the needs of the *development* and provides an equivalent or better level of storage and collection for trash and recyclables.

G. For the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, the standards in this section above apply as an option. The downtown design standards offer additional options for screening of storage for these zones only. [Ord. 03-0175 § 28; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.210).]

18.30.260

Trail corridors – Applicability.

Trail easements shall be provided by any *development*, except for single detached residential permits, when such *developments* are located within any community or regional *trail* corridor identified by an adopted Kenmore plan identifying community and/or regional *trail* systems. The residents or tenants of the *development* shall be provided access to the *trail* easement. The area of the *trail* easement shall be counted as part of the *site* for purposes of density and floor area calculations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.230).]

18.30.270

Trail corridors – Design standards.

Trail design shall be reviewed by the *department* for consistency with adopted standards, including the standards in KMC Title 12, for:

- A. Width of the *trail* corridor;
- B. Location of the *trail* corridor on the *site*;
- C. Surfacing improvements; and
- D. *Use(s)* permitted within the corridor. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.240).]

18.30.280

Trail corridors – Maintenance of trail corridors/improvements.

Maintenance of any *trail* corridor or improvements, retained in *private* ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the *department*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.250).]

Chapter 18.35

DEVELOPMENT STANDARDS – LANDSCAPING

Sections:

- 18.35.010 Purpose.
- 18.35.020 Application.
- 18.35.030 Land use grouping.
- 18.35.040 Landscaping – Screen types and description.
- 18.35.045 Landscaping – General requirements.
- 18.35.060 Landscaping along the Burke-Gilman public trail.
- 18.35.070 Landscaping – Surface parking areas.
- 18.35.080 Landscaping – General standards for all landscape areas.
- 18.35.090 Landscaping – Additional standards for required landscape areas.
- 18.35.100 Landscaping – Alternative options.
- 18.35.110 Landscaping – Plan design, design review, and installation.
- 18.35.120 Maintenance.
- 18.35.130 Financial guarantees.

18.35.010**Purpose.**

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing *vegetation*; to promote water efficiency; to promote native wildlife; to reduce the impacts of *development* on drainage systems and natural habitats; and to increase privacy for residential zones by:

- A. Providing visual relief from large expanses of parking areas and reduction of perceived *building scale*;
- B. Providing physical separation between residential and nonresidential areas;
- C. Providing visual screens and barriers as a transition between differing land *uses*;
- D. Retaining existing *vegetation* and *significant trees* by incorporating them into the site design;
- E. Providing increased areas of permeable surfaces to allow for:
 - 1. Infiltration of surface water into groundwater resources;
 - 2. Reduction in the quantity of stormwater discharge; and
 - 3. Improvement in the quality of stormwater discharge;
- F. Encouraging the use of native plant species by their retention or use in the landscape design;
- G. Encouraging the use of a diversity of plant species which promote native wildlife habitat. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.010).]

18.35.020**Application.**

Except for *communication facilities* regulated pursuant to Chapter 18.60 KMC, all new *development* shall be subject to the *landscaping* provisions of this chapter; provided, that specific *landscaping* and *tree* retention provisions for *uses* established through a *conditional use permit* or *special use permit* shall be determined during the applicable review process. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.020).]

18.35.030**Land use grouping.**

To facilitate the application of this chapter, land *uses* have been grouped in the following manner:

- A. “Residential *development*” refers to *residential land uses*, except *residential accessory uses*, *home occupation*, and *home industry*.
- B. “Attached/group residences” refers to:
 - 1. *Townhouses*, except as provided in subsection (C)(1) of this section;
 - 2. *Apartments*, and detached *dwelling units* developed on common property at a density of 12 or more units per acre;
 - 3. *Senior citizen assisted living*;
 - 4. Temporary lodging;
 - 5. Group residences other than Type I *community residential facilities*; and
 - 6. *Mobile home parks*.
- C. “Single-family *development*” refers to:
 - 1. Residential subdivisions and short subdivisions, including attached and detached *dwelling units* on individually platted or short platted *lots*;
 - 2. Any detached *dwelling units* located on a *lot*;
 - 3. *Family child-care homes*; and
 - 4. Type I *community residential facilities*.
- D. “Commercial *development*” refers to:
 - 1. *Adult entertainment business*; *theater*; *theater*, drive-in; bowling center; *amusement and recreation services*; *shooting range*; *amusement arcades*; amusement park; and *outdoor performance center*;
 - 2. “General services land uses” except recycling centers, health and educational services, *day care* I, *churches*, *synagogues*, *mosque*, ~~and temples; and~~
 - 3. “Retail land uses”, except *forest product sales* and agricultural crop sales; and
 - 4. Car washes.
- E. “Industrial *development*” refers to:

1. *Interim recycling facility*;
 2. “*Government/business services land uses*” except *public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility*;
 3. “*Manufacturing land uses*”; and
 4. Mineral extraction and processing.
- F. “*Institutional development*” refers to:
1. Library, museum and conference center;
 2. Church, synagogue, mosque, temple; medical/dental office/outpatient clinics, nursing facilities, hospital, medical/dental lab and miscellaneous health services; and elementary schools, middle/junior high schools, secondary or high schools, vocational schools, school district support facilities, and specialized instruction schools except specialized instruction schools permitted as an accessory use; and
 3. *Public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility*.
- G. “*Utility development*” refers to *utility facilities*.
- H. Uses that are not listed in this section shall not be subject to *landscaping* requirements except as specified in any applicable review of a *conditional use* or *special use permit*.

18.35.040**Landscaping – Screen types and description.**

The three types of *landscaping* screens are described and applied as follows:

A. Type I landscaping screen:

1. Type I *landscaping* is a “full screen” that functions as a visual barrier.
2. Type I *landscaping* shall minimally consist of:
 - a. A mix of primarily *evergreen trees* and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between 70 and 90 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. *Evergreen* shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

B. Type II landscaping screen:

1. Type II *landscaping* is a “filtered screen” that functions as a visual separator.
2. Type II *landscaping* shall minimally consist of:
 - a. A mix of *evergreen* and *deciduous trees* and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - b. At least 50 percent *deciduous trees* and at least 30 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

C. Type III landscaping screen:

1. Type III *landscaping* is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations.
2. Type III *landscaping* shall minimally consist of:
 - a. A mix of *evergreen* and *deciduous trees* generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
 - b. At least 70 percent *deciduous trees*;

- c. *Trees* provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center;
- d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
- e. Ground cover pursuant to KMC 18.35.090. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.040).]

18.35.045**Landscaping -- General requirements.***

	Street frontage perimeter landscaping (average width) ⁹	Interior lot line perimeter landscaping (average width) ¹⁵	Surface parking lots of 10 or more stalls
Residential development ¹	10' Type III ⁸	5' Type II ⁸ 10' Type II ¹²	20 sq.ft. per stall in common parking areas
Commercial development ²	10' Type III	20' Type I ¹⁰	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Industrial development ³	10' Type II	10' Type II ¹³ 20' Type I ¹⁰	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Institutional development ⁴	20' Type II ⁶	10' Type II	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.
Utility development ⁵	10' Type II ⁷	10' Type II ¹⁴	20 sq.ft. per stall if 10-30 stalls provided; 25 sq.ft. per stall if 31 or more stalls provided.

*See KMC Title 12 for *street tree* requirements.

¹ As described in KMC 18.35.030(A).

² As described in KMC 18.35.030(D).

³ As described in KMC 18.35.030(E).

⁴ As described in KMC 18.35.030(F).

⁵ As described in KMC 18.35.030(G).

⁶ Excluding playgrounds and playfields.

⁷ For an above-ground *utility facilities development* only, excluding distribution and transmission corridors.

⁸ Only for attached/group residence *development* as described in KMC 18.40.030(B).

⁹ For all zones except the DC and DR zones. In the CB zone, where *street frontage setbacks* are required, the area within the *setback* must contain Type II *landscaping*.

¹⁰ Along any portion adjacent to a residential *development* as described in KMC 18.40.030(A).

¹² Along portions of an attached/group residence *development* as described in KMC 18.40.030(B) adjacent to property developed with single detached residences or vacant property that is zoned R1-6.

¹³ Along any portion adjacent to a commercial or institutional *development* as described in KMC 18.40.030(D) and (F).

¹⁴ Excluding distribution or transmission corridors.

¹⁵ In the DC zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II *landscaping*. In the CB zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II *landscaping*.

18.35.060

Landscaping along the Burke-Gilman public trail.

RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE shall provide 10 feet of Type II *landscaping* along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II *landscaping* located within the Burke-Gilman public right-of-way.

18.35.070

Landscaping – Surface parking areas.

- A. *Trees* shall be provided and distributed throughout the parking area at a rate of:
 - 1. One *tree* for every three parking stalls for a commercial or industrial *development*; and
 - 2. One *tree* for every five parking stalls for residential or institutional *development*;
- B. The maximum distance between any parking stall and *landscaping* shall be no more than 100 feet;
- C. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;
- D. Landscaping around the perimeter of a *site* that is in addition to the perimeter *landscaping* required by KMC 18.35.050 may count toward 10 percent of the required surface parking area *landscaping* in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE (see subsection (F) of this section) if it is adjacent to the parking area;
- E. Parking area *landscaping* shall consist of:
 - 1. Canopy-type *deciduous trees*, *evergreen trees*, *evergreen shrubs* and ground covers planted in islands or strips;
 - 2. Shrubs that do not exceed a maintained height of 42 inches;
 - 3. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet;
 - 4. Ground cover in accordance with KMC 18.35.090; and
 - 5. At least 70 percent of *trees* are *deciduous*; and
- F. Standards for perimeter *landscaping* and screening of surface parking lots for the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, are defined in Chapter 18.52 KMC, Downtown Design Standards. All other landscape requirements for surface parking lot landscape in this section apply to the DC and DR zones, and RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE. [Ord. 03-0175 § 31; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.070).]

18.35.080

Landscaping – General standards for all landscape areas.

- All new landscape areas proposed for a *development* shall be subject to the following provisions:
 - A. *Berms* shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
 - B. All new turf areas, except all-weather, sand-based athletic fields shall:
 - 1. Be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep; or
 - 2. Have an organic content of five percent or more to a depth of six inches.
 - C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
 - D. Landscape areas, except turf or areas of established *groundcover*, shall be covered with at least two inches of *mulch* to minimize evaporation.
 - E. Plants having similar water use characteristics shall be grouped together in distinct hydrozones.

F. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the *site*. Preservation of existing *vegetation* is encouraged. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.085).]

18.35.090

Landscaping – Additional standards for required landscape areas.

In addition to the general standards of KMC 18.35.080, landscape areas required pursuant to KMC 18.35.050 through 18.35.070 shall conform to the following standards:

A. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy *vegetation* used to augment new plantings shall not be required to meet the standards of this manual;

B. Single-stemmed *trees* required pursuant to this chapter shall at the time of planting conform to the following standards:

1. In parking area *landscaping* and in *street* rights-of-way:

a. *Deciduous trees* shall have a minimum *caliper* of 1.75 inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of 3.0, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height;

2. In all other required landscape areas:

a. *Deciduous trees* shall have a minimum *caliper* of 1.5 inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of 3.0, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE where they shall be at least 10 feet in height;

C. Multiple-stemmed *trees* shall be permitted as an option to single-stemmed *trees* in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE provided that such multiple-stemmed *trees* are:

1. At least six feet in height, and

2. Not allowed within *street* rights-of-way;

D. When the width of any landscape strip is 20 feet or greater, the required *trees* shall be staggered in two or more rows;

E. Shrubs shall be:

1. At least an AAN container class #2 (two-gallon) size at time of planting in Type II, III and parking area *landscaping*,

2. At least 24 inches in height at the time of planting for Type I *landscaping*, and

3. Maintained at a height not exceeding 42 inches when located in Type III or parking area *landscaping* except in the DC and DR zones where

they shall not exceed a maximum height of 48 inches;

F. Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years;

G. All *fences* shall be placed on the inward side of any required perimeter *landscaping* along the *street frontage*;

H. Required *street landscaping* may be placed within *city street* rights-of-way subject to the *city street* design standards, provided adequate space is maintained along the *street* line to replant the required *landscaping* should subsequent *street* improvements require the removal of *landscaping* within the rights-of-way;

I. Required *street landscaping* may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation; and

J. New landscape material provided within areas of undisturbed *vegetation* or within the protected area of *significant trees* shall give preference to utilizing indigenous plant species. [Ord. 03-0175 § 32; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.090).]

18.35.100**Landscaping – Alternative options.**

The following alternative landscape options may be allowed, subject to *city* approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the *site*, such as significant topographic differences, *vegetation*, *structures* or utilities would render application of this chapter ineffective or result in scenic view obstruction:

A. The amount of required landscape area may be reduced to ensure that the total area for required *landscaping*, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the *site*. For the purpose of this subsection, the net developable area of the *site* shall not include areas deemed unbuildable due to their location within *critical areas* and any associated *buffers*;

B. The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

1. *Berms* at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or

2. The landscape materials are incorporated elsewhere on-site;

C. Where a local or subarea plan with design guidelines has been adopted, the *city manager* shall base the *landscaping* modifications on the policies and guidelines of such plan;

D. When an existing *structure* precludes installation of the total amount of required *site* perimeter *landscaping*, such *landscaping* material shall be incorporated on another portion of the *site*;

E. Single-stemmed *deciduous tree* species that cannot generally be planted and established in larger sizes may have a *caliper* of less than 1.5 inches;

F. The number of *trees* and shrubs to be provided in required perimeter and parking area *landscaping* may be reduced up to 25 percent when a *development* uses landscaping materials consisting of species typically associated with the Puget Sound Basin in the following proportions:

1. Seventy-five percent of *groundcover* and shrubs, and

2. Fifty percent of *trees*;

G. In the DC and DR zones, alternative landscape requirements may be proposed in order to retain *trees* (over 12 inches DBH if *deciduous* or eight inches DBH if *evergreen*, measured as average trunk diameter at chest height; measured four and one-half feet above grade). This alternative requirement applies only to *trees* which are beyond what is already required in the city's significant tree ordinance. Interior parking lot landscape requirements may be reduced at a 1:1 ratio equal to the land area within the drip line of the *tree* being retained. [Ord. 03-0175 § 33; Ord. 98-0026 §§ 1, 2 (KCC 21A.16.100).]

18.35.110**Landscaping – Plan design, design review, and installation.**

A. The landscape plan submitted to the *department* shall be drawn on the same base map as the development plans and shall identify the following:

1. Total landscape area and separate hydrozones;
2. Landscape materials botanical/common name and applicable size;
3. Property lines;
4. *Impervious surfaces*;
5. Natural or manmade water features or bodies;
6. Existing or proposed *structures*, *fences*, and *retaining walls*;
7. Natural features or *vegetation* left in natural state; and
8. Designated recreational open space areas.

B. The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.

C. An affidavit signed by an individual specified in subsection (B) of this section, certifying that the *landscaping* has been installed consistent with the approved landscaping plan, shall be submitted to the *department* within 30 days of installation completion, unless the installed *landscaping* has been inspected and accepted by the *department*.

D. The required *landscaping* shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required *landscaping* during the next appropriate planting season. A *financial guarantee* shall be required prior to

issuance of the certificate of occupancy, if *landscaping* is not installed and inspected prior to occupancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.115).]

18.35.120

Maintenance.

- A. All *landscaping* shall be maintained for the life of the project;
- B. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
- C. With the exception of dead, diseased or damaged *trees* specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
- D. Landscape areas shall be kept free of trash. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.180).]

18.35.130

Financial guarantees.

Financial guarantees shall be required consistent with the provisions of KMC Title 21. This time period may be extended to one year by the *city manager*, if necessary to cover a planting and growing season. [Ord. 98-0026 §§ 1, 2 (KCC 21A.16.190).]

Chapter 18.40

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

- 18.40.010 Purpose.
- 18.40.020 Authority and application.
- 18.40.030 Computation of required off-street parking spaces.
- 18.40.040 Shared parking requirements.
- 18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.
- 18.40.060 Parking for the disabled.
- 18.40.070 Loading space requirements.
- 18.40.080 Stacking spaces for drive-through facilities.
- 18.40.090 Transit and rideshare provisions.
- 18.40.100 Pedestrian and bicycle circulation and access.
- 18.40.110 Off-street parking plan design standards.
- 18.40.120 Off-street parking construction standards.
- 18.40.130 Compact car allowance requirements.
- 18.40.140 Internal circulation road standards.

18.40.010

Purpose.

The purpose of this chapter is to provide adequate parking for all *uses* allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

- A. Setting minimum off-street parking standards for different land *uses* that assure safe, convenient and adequately sized parking facilities within activity centers;
- B. Providing incentives to rideshare through preferred parking arrangements;
- C. Providing for parking and storage of bicycles;
- D. Providing safe direct pedestrian access from public rights-of-way to *structures* and between *developments*; and
- E. Requiring *uses* which attract large numbers of employees or customers to provide transit stops. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.010).]

18.40.020**Authority and application.**

A. Before an occupancy permit may be granted for any new or enlarged *building* or for a change of *use* in any existing *building*, the *use* shall be required to meet the provisions of this chapter.

B. If this chapter does not specify a parking requirement for a land *use*, the *city manager* shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the *site* shall be considered in determining anticipated demand. If the *site* is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than 75 percent of the anticipated demand. In the study the *applicant* shall provide sufficient information to demonstrate that the parking demand for a specific land *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the *city manager*.

C. If the required amount of off-street parking has been proposed to be provided off-site, the *applicant* shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the *city manager* for compliance with this chapter, and if approved, the contracts shall be recorded with the county records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the *city manager*.

D. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the *city manager* shall base allowable waivers or modifications on the policies and guidelines in such plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.020).]

18.40.030**Computation of required off-street parking spaces.**

A. Except as modified in KMC 18.40.070(B) through (D), off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
Single detached	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
<i>Townhouse</i>	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		
Studio units	1.2 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
One bedroom units	1.5 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
Two bedroom units	1.7 per <i>dwelling unit</i>	1.5:du; tandem stalls permitted
Three bedroom units or larger	2.0 per <i>dwelling unit</i>	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Mobile home park</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i>
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
<i>Community residential facilities</i>	1 per 2 bedrooms	1 per 2 bedrooms
<i>Dormitory, including religious</i>	1 per 2 bedrooms	1 per 2 bedrooms
<i>Hotel/motel including organizational hotel/lodging</i>	1 per bedroom	1 per bedroom
<i>Bed and breakfast guesthouse</i>	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses:</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
<i>Theater</i>	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
GENERAL SERVICES:		
<i>General services land uses:</i>	1 per 300 square feet	1 per 300 square feet

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Exceptions:		
Funeral home/crematory	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Church, synagogue, mosque, temple</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds	–
Hospital	1 per bed	1 per bed
<i>Elementary schools</i>	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
<i>Secondary schools:</i>		
<i>Middle/junior high schools</i>	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
<i>High schools</i>	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
<i>High schools with stadiums</i>	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium
<i>Vocational schools</i>	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students
<i>Specialized instruction schools</i>	1 per <i>school classroom</i> , plus 1 per 2 students	1 per <i>school classroom</i> , plus 1 per 2 students
Colleges/universities	1 per 2 commuting students, faculty and staff	–
<i>Artist studios</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES:		

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Government/business services land uses:</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of <i>indoor storage</i> or repair areas	–
<i>Public agency archives</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(city manager)	(city manager)
Fire facility	(city manager)	(city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
Office	1 per 300 square feet	1 per 300 square feet
RETAIL/WHOLESALE:		
<i>Retail land uses:</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1,000 square feet	0.9 per 1,000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
<i>Manufacturing land uses</i>	0.9 per 1,000 square feet	—
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	—
RESOURCES:		
<i>Resource land uses</i>	(city manager)	—
REGIONAL:		
<i>Regional land uses</i>	(city manager)	(city manager)

B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the *city* has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* result in different parking requirements, the *city manager* will establish the amount of parking based on a likely range of *uses*.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

a. The *city manager* may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The *city manager* may require additional spaces when it is determined that the *use* or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:

- (1) *Park/playfield*;
- (2) *Marina*;
- (3) *Library/museum/arboretum*;
- (4) *Elementary/secondary school*;
- (5) *Sports club*; or
- (6) Retail business (when located along a developed bicycle *trail* or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The *city manager* shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two *dwelling units in townhouse and apartment residential uses*, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under *building* and screened from the *street frontage*, unless the additional parking is associated with a phased, *mixed use development* and is interim in nature per KMC 18.105.025.

G. *Tree Retention* – DC and DR Zones. Where an *applicant* proposes retention of *trees* in accordance with KMC 18.35.100(I) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements. [Ord. 03-0175 § 34; Ord. 98-0026 §§ 1, 2 (KCC 21A.18.030).]

18.40.040

Shared parking requirements.

The amount of off-street parking required by KMC 18.40.030 may be reduced by an amount determined by the *city manager* when shared parking facilities for two or more *uses* are proposed, provided:

- A. The total parking area exceeds 5,000 square feet;
- B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no *building or use* involved is more than 800 feet from the most remote shared facility;
- C. The amount of the reduction shall not exceed 10 percent for each *use*, unless:
 1. The normal hours of operation for each *use* are separated by at least one hour; or
 2. A parking demand study is prepared by a professional traffic engineer and submitted by the *applicant* documenting that the hours of actual parking demand for the proposed *uses* will not conflict and those *uses* will be served by adequate parking if shared parking reductions are authorized;
 3. The *use* is a *mixed use development* pursuant to KMC 18.50.120, in which case a 25 percent reduction may be granted;
 4. The *city manager* will determine the amount of reduction subject to subsection (D) of this section.
- D. The total number of *parking spaces* in the common parking facility is not less than the minimum required spaces for any single *use*;
- E. A covenant or other contract for shared parking between the cooperating property owners is approved by the *city manager*. This covenant or contract must be recorded with the *city* as a deed restriction on both properties and cannot be modified or revoked without the consent of the *city manager*; and
- F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *city manager* or provide the full amount of required off-street parking for each *use*, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *city manager*. [Ord. 03-0175 § 35; Ord. 98-0026 §§ 1, 2 (KCC 21A.18.040).]

18.40.050**Exceptions for community residential facilities (CRF) and senior citizen assisted living.**

A. The minimum requirement of one off-street *parking space* per two bedrooms for *CRFs* and one off-street *parking space* per two *senior citizen assisted living* units may be reduced by up to 50 percent, as determined by the *city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a *CRF* facility or *senior citizen assisted living* facility is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.050).]

18.40.060**Parking for the disabled.**

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the *city*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.060).]

18.40.070**Loading space requirements.**

A. Every nonresidential *building* engaged in retail, wholesale, manufacturing or storage activities, excluding *self-service storage* facilities, shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

B. Every *building* engaged in *hotel*, *office building*, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar *use* shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

C. Each *loading space* required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, 6 inches, and shall be surfaced, improved and maintained as required by this chapter. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All *loading space* areas shall be separated from parking areas and shall be designated as truck *loading spaces*.

D. Any *loading space* located within 100 feet of areas zoned for residential *use* shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

E. Multi-story *self-service storage* facilities shall provide two *loading spaces*, and single-story facilities one *loading space*, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet, 6 inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a *building* shall be required to provide *loading space* or spaces as set forth in this chapter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.070).]

18.40.080**Stacking spaces for drive-through facilities.**

A. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces for drive-through or drive-in uses may not be counted as required *parking spaces*.

B. Uses providing drive-up or *drive-through services* shall provide vehicle stacking spaces as follows:

1. For each drive-through lane of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided; and

2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.080).]

18.40.090**Transit and rideshare provisions.**

A. *Government/business services* and *manufacturing land uses*, hospitals, *high schools*, *vocational schools*, universities and *specialized instruction schools* shall be required to reserve one *parking space* of every 20 required spaces for rideshare parking as follows:

1. The *parking spaces* shall be located closer to the primary employee entrance than any other employee parking except disabled;

2. Reserved areas shall have markings and *signs* indicating that the space is reserved; and

3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer;

B. The *city manager* may reduce the number of required off-street *parking spaces* when one or more scheduled transit routes provide service within one-quarter mile (1,320 feet) of the *site* as measured linearly along *streets* or other pedestrian pathways. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving *government/business services* and *manufacturing land uses* up to a maximum of 40 percent; and

2. Two percent for each run serving *recreational/cultural*, *general services* and *retail/wholesale land uses*, up to a maximum of 20 percent; and

C. All *uses* which are located on an existing transit route and are required under the computation for required off-street *parking spaces* in KMC 18.40.030(A) to provide more than 200 *parking spaces* may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. *Uses* which reduce required parking under subsection (B) of this section shall provide transit shelters if transit routes adjoin the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.090).]

18.40.100**Pedestrian and bicycle circulation and access.**

A. *Nonresidential Uses*. All permitted nonresidential *uses* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (1) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (2) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *developments*.

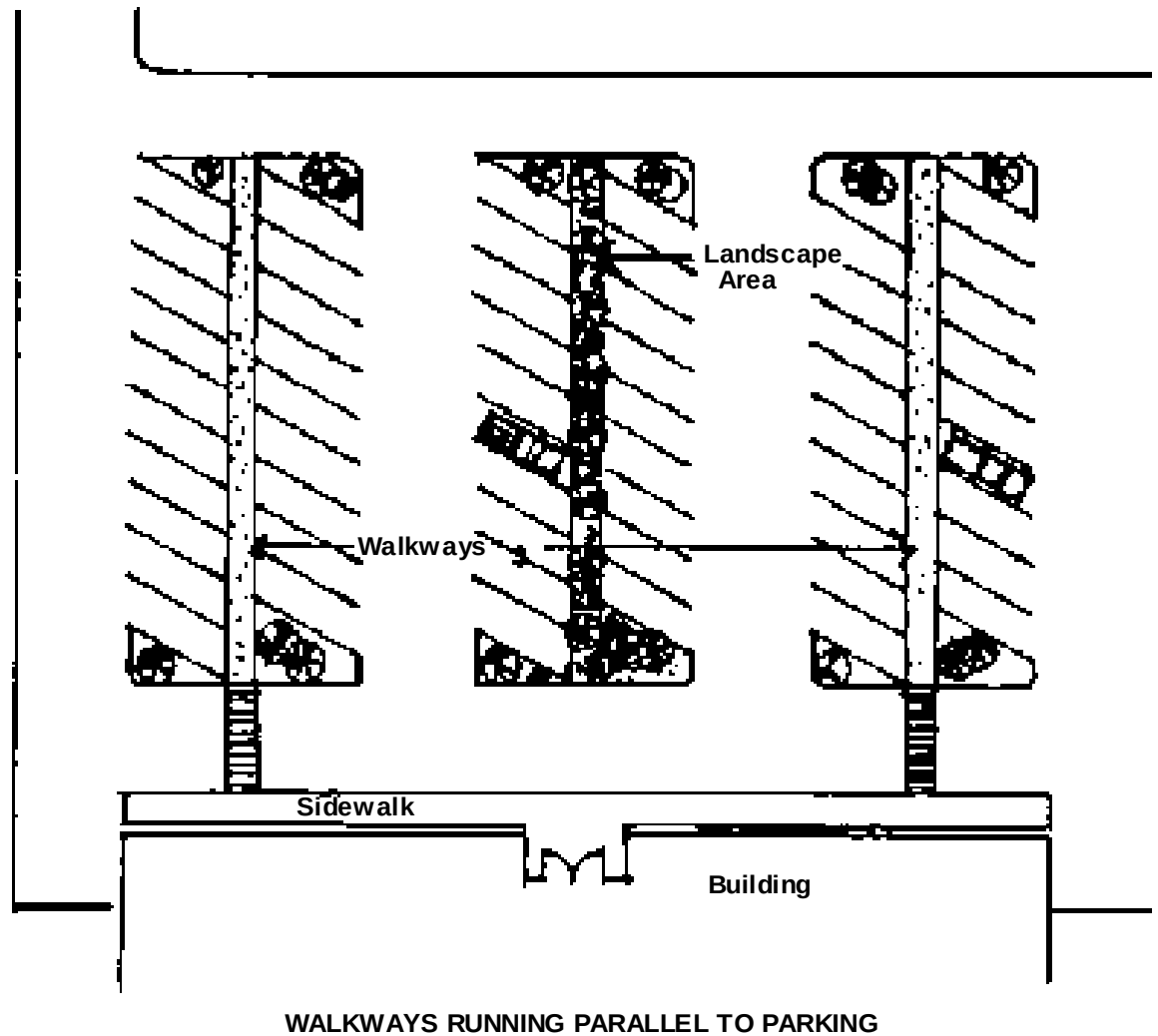
B. *Residential Uses*.

1. All permitted residential *uses* of five or more *dwelling units* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (a) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (b) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *sites*.

2. Residential *uses* of five or more *dwelling units* shall provide for nonmotorized circulation between cul-de-sacs or groups of *buildings* to allow pedestrian and bicycle access within and through the *development* to adjacent activity

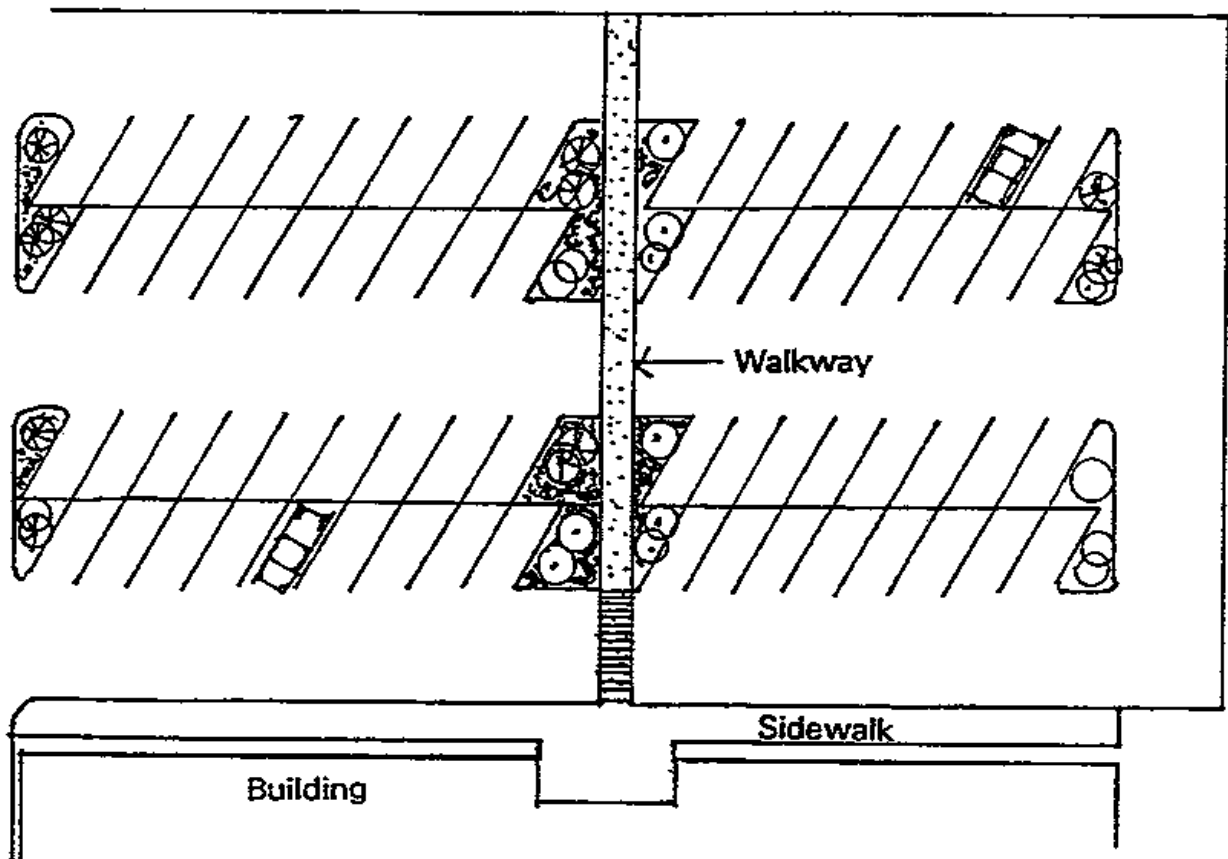
centers, *parks*, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public *streets*.

3. Access shall only be required to school bus stops that are within or adjacent to a proposed residential *use* of five or more *dwelling units* and that are identified by the affected *school district* in response to a notice of application.



C. Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the *site*, or any *parking space*, is more than 75 feet from the building entrance or principal on-site destination and as follows:

1. All *developments* which contain more than one *building* shall provide walkways between the principal entrances of the *buildings*;
2. All nonresidential *buildings* set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the *building* to *buildings* on adjacent *lots*; and
3. Walkways across parking areas shall be located as follows:
 - a. Walkways running parallel to the parking rows shall be provided for every six rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and
 - b. Walkways running perpendicular to the parking rows shall be no further than 20 *parking spaces*. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways.



WALKWAYS RUNNING PERPENDICULAR TO PARKING

D. Pedestrian and bicycle access and walkways shall meet the following minimum design standards:

1. Access and walkways shall be well lit and physically separated from driveways and *parking spaces* by landscaping, *berms*, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
2. Access and walkways shall be a minimum of 48 inches of unobstructed width and meet the surfacing standards of the *city street* standards for walkways or sidewalks;
3. The minimum standard for walkways required to be accessible for persons with disabilities shall be designed and constructed to comply with the current State Building Code regulations for barrier-free accessibility;
4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.
- E. Blocks in excess of 660 feet shall be provided with a crosswalk at the approximate midpoint of the block.
- F. The *city manager* may waive or modify the requirements of this section when:
 1. Existing or proposed improvements would create an unsafe condition or security concern;
 2. There are topographical constraints, or existing or required *structures* effectively block access;
 3. The *site* is not contiguous to an activity center, *park*, common tract, dedicated *open space*, school, transit stop or other public facility;
 4. The land *use* would not generate the need for pedestrian or bicycle access; or
 5. The public is not allowed access to the subject land *use*.

The *city manager*'s waiver may not be used to modify or waive the requirements of KMC 18.40.100 relating to sidewalks and safe walking conditions for students.

G. The provisions of this section shall not apply on *school district* property. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.100).]

18.40.110

Off-street parking plan design standards.

A. Off-street parking areas shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the *parking spaces* shall be located on the same *lot* they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the *building* or *building(s)* they are required to serve;
3. For all nonresidential *uses* permitted in residential zones, the *parking spaces* shall be located on the same *lot* they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. In the community business and neighborhood business zones, parking lots shall be located to the rear or sides of *buildings*. Relief from this subsection (A)(4) of this section may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement. The *city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;
5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public *streets*; and
6. Parking for the disabled shall be provided in accordance with KMC 18.40.060.

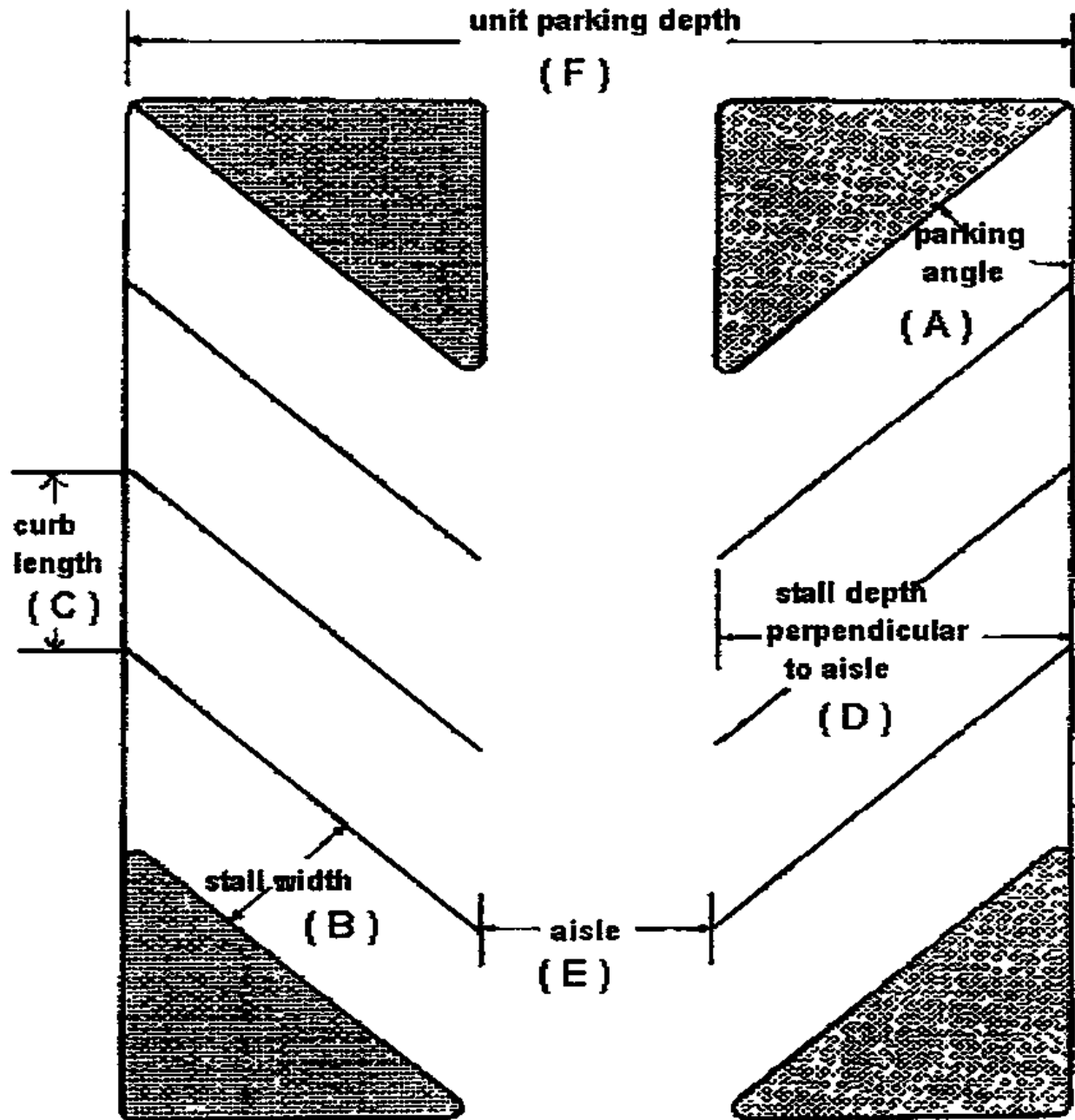
B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA

C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent *parking space* by a parking space division stripe.

D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC 18.35.070(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter 12.50 KMC, Street Standards. Driveways for *single detached dwelling units*, no more than 20 feet in width, may cross required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, provided no more than 15 percent of the required *landscaping* or *setback* area is eliminated by the driveway. *Joint use driveways* may be located within required *landscaping* or *setback* areas. Driveways for all other *developments* may cross or be located within required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, if no more than 10 percent of the required *landscaping* is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the *street*.

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;

2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and

3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC 18.21.060.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and

2. A minimum turning radius of 26 feet, 4 inches with a minimum turning diameter, curb to curb, of 52 feet, 5 inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC 18.45.070.

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

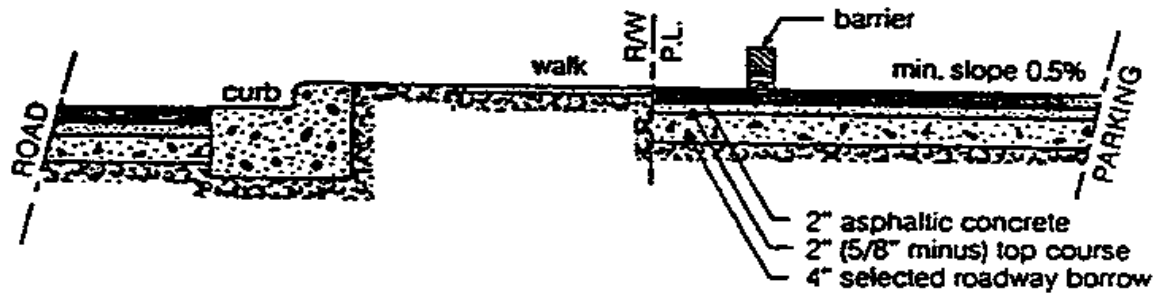
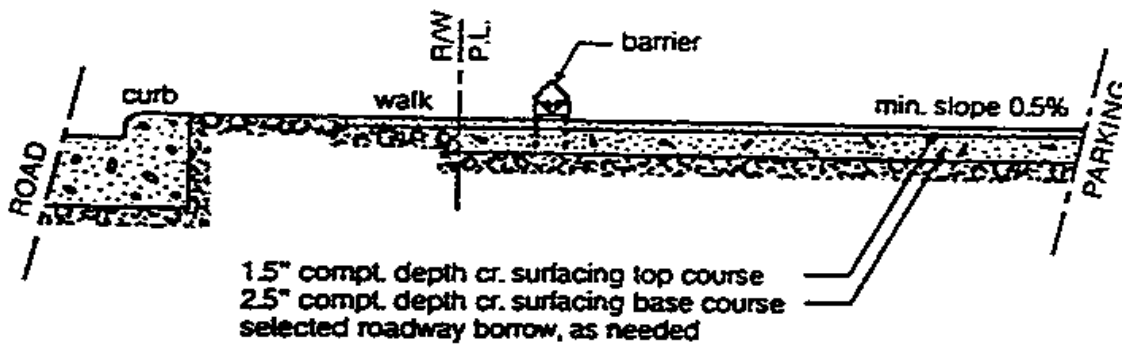
N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.110).]

18.40.120

Off-street parking construction standards.

A. Off-street parking areas shall be paved in accordance with city street standards unless otherwise approved by the city manager.

DELETE THE FOLLOWING ILLUSTRATIONS (FIGURES A AND B)

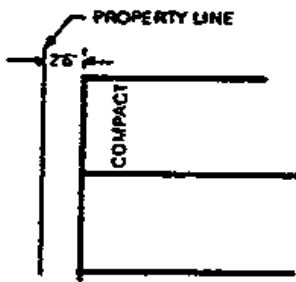
MINIMUM SURFACING REQUIREMENTS**A****B**

B. *Grading* work for parking areas shall meet the requirements of KMC Title 15. Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 13.35 KMC.

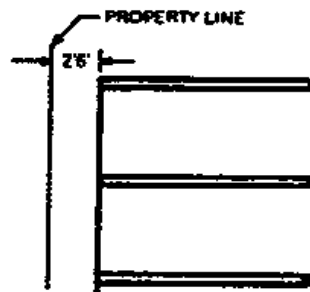
C. Paved parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

STALL MARKINGS AND WHEEL STOP LOCATIONS

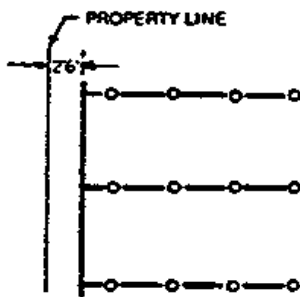
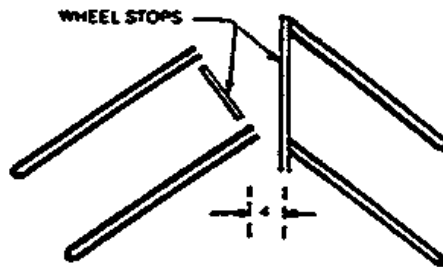
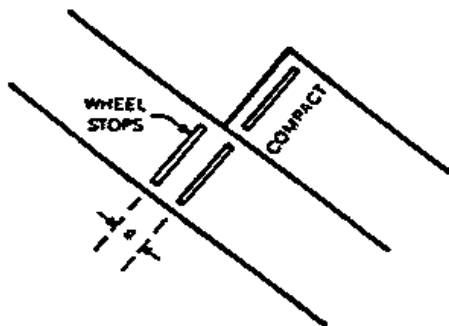
5/23/11



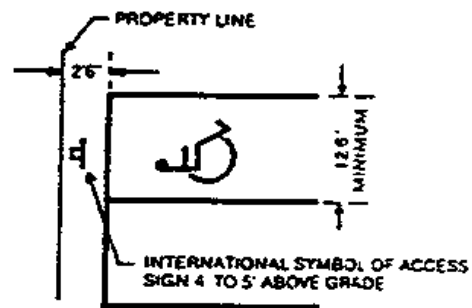
COMPACT MARKING



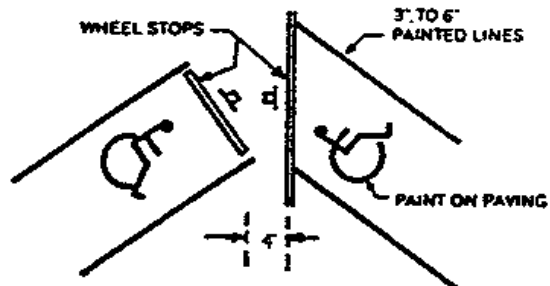
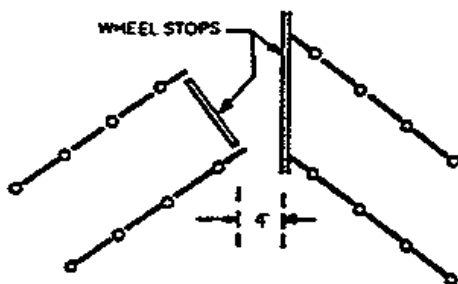
PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING



[Ord. 98-0026 §§ 1, 2 (KCC 21A.18.120).]

18.40.130

Compact car allowance requirements.

In any *development* containing more than 20 *parking spaces*, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

A. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. *Apartment developments* with less than 20 *parking spaces* may designate up to 40 percent of the required *parking spaces* as compact spaces. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.130).]

18.40.140

Internal circulation road standards.

Internal access roads to off-street parking areas shall conform to city street standards set forth in Chapter 12.50 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.18.140).]

Chapter 18.42

DEVELOPMENT STANDARDS – SIGNS

Sections:

- 18.42.010 Purpose.
- 18.42.020 Permit requirements.
- 18.42.030 Exempt signs.
- 18.42.040 Prohibited signs.
- 18.42.050 Sign area calculation.
- 18.42.060 General sign requirements.
- 18.42.070 Community bulletin board signs.
- 18.42.080 A-frame/sandwich board signs.
- 18.42.090 Residential zone signs.
- 18.42.100 Downtown commercial zone signs.
- 18.42.110 Neighborhood business zone signs.
- 18.42.120 Community business zone signs.
- 18.42.130 Regional business zone signs.
- 18.42.135 Signs in the public/semi-public, parks and golf course zones.
- 18.42.140 Signs or displays of limited duration.
- 18.42.150 Billboards – Location and height standards.
- 18.42.160 Billboards – General requirements.
- 18.42.170 Billboards – Special restrictions in the CB zone.
- 18.42.180 Billboards – Alteration or relocation limitations.
- 18.42.190 Billboards – View and vegetative screening protections.
- 18.42.200 Billboard free areas.

18.42.010

Purpose.

The purpose of this chapter is to enhance the visual environment of the *city* by:

A. Establishing standards that regulate the type, number, location, size, and lighting of *signs*;

B. Recognizing the private purposes of *signs* for the identification of businesses and promotion of products and services; and

C. Recognizing the public purposes of *signs* which includes considerations of traffic safety, economic and aesthetic welfare. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.010).]

18.42.020

Permit requirements.

A. Except as otherwise permitted by this chapter, no *sign* shall be erected, altered or relocated without approval by the *city*.

B. No building permit shall be required for repainting, cleaning, or other normal maintenance and repair of a *sign*, or for *sign* face and copy changes that do not alter the size or *structure* of the *sign*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.020).]

18.42.030

Exempt signs.

The following *signs* or displays are exempted from the regulations under this chapter:

A. Historic site markers or plaques, gravestones, and address numbers;

B. *Signs* required by law, including but not limited to:

1. Official or legal notices issued and posted by any *public agency* or court; or
2. Traffic directional or warning *signs*;

C. Plaques, tablets or inscriptions indicating the name of a *building*, date of erection, or other commemorative information, which are an integral part of the *building* structure or are attached flat to the face of the *building*, which are nonilluminated, and which do not exceed four square feet in surface area;

D. *Incidental signs*, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to *signs* providing directions, warnings or information when established and maintained by a *public agency*;

E. State or federal flags;

F. Religious symbols;

G. The flag of a commercial institution, provided no more than one flag is permitted per business premises, and further provided the flag does not exceed 20 square feet in surface area; and [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.030).]

H. *Signs* or banners installed in the right-of-way by the *city* for purposes of providing information, directions, or decoration.

18.42.040

Prohibited signs.

Except as indicated by this chapter, the following *signs* or displays are prohibited:

A. *Portable signs* including, but not limited to, mobile readerboard *signs*, but excluding A-frame and sandwich board *signs* and other *signs* permitted under KMC 18.42.080 and 18.42.140;

B. *Private signs* on utility poles;

C. *Signs* which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control *signs* or signals;

D. *Signs* located in the public right-of-way, except where permitted in this chapter or otherwise by law;

E. Posters, pennants, banners, strings of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in KMC 18.42.140 as grand opening displays; and

F. *Changing message center signs*, where the message changes more frequently than every three minutes. [Ord. 02-0155 § 1; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.040).]

18.42.050

Sign area calculation.

A. *Sign* area for nonmonument *freestanding signs* shall be calculated by determining the total surface area of the *sign* as viewed from any single vantage point, excluding support structures.

B. *Sign* area for letters or symbols painted or mounted directly on walls or *monument signs* or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

C. *Sign* area for *signs* contained entirely within a cabinet and mounted on a wall, roof or monument shall be calculated by measuring the entire area of the cabinet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.050).]

18.42.060

General sign requirements.

A. All *signs*, except *billboards*, *community bulletin boards*, *community identification signs*, *political signs*, temporary real estate “A-frame” *signs* and special event *signs*, shall be *on-premises signs*; provided, that *uses* located on *lots* without public *street frontage* in business and office zones may have one *off-premises directional sign* of no more than 16 square feet.

B. *Fuel price signs* shall not be included in *sign* area or number limitations of KMC 18.42.100 through 18.42.135, provided such *signs* do not exceed 20 square feet per *street frontage*.

C. Projecting and *awning signs* shall not be permitted for *uses* in the residential zones. *Signs* mounted on the sloping portion of roofs shall not be permitted in the residential, downtown residential, and downtown commercial zones. Allowances for projecting and *awning signs* in the downtown commercial zone are found in KMC 18.42.100. In other zones, projecting and *awning signs* and *signs* mounted on the sloping portion of roofs may be used in lieu of *wall signs*, provided:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting *building facade*;
3. They meet the standards of subsection (J) of this section if mounted on the roof of a *building*; and
4. They shall not exceed the number or size permitted for *wall signs* in a zone.

D. *Changing message center signs*, and *time and temperature signs*, which can be a wall or *freestanding sign*, shall not exceed the size permitted for a wall or *freestanding sign*, and shall be permitted only in the NB, CB and RB zones. *Changing message center signs* and *time and temperature signs* shall not exceed the maximum *sign* height permitted in the zone.E. *Directional signs* shall not be included in the *sign* area or number limitation of KMC 18.42.080; provided, they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. *Sign* Illumination and Glare.

1. All *signs* in the NB, CB, RB or DC zone districts may be illuminated. *Signs* in all other zones may be indirectly illuminated, provided the light source for *indirectly illuminated signs* shall be no farther away from the *sign* than the height of the *sign*;

2. *Indirectly illuminated signs* shall be arranged so that no direct rays of light are projected from such artificial source into residences or any *street* right-of-way;

3. Electrical requirements for *signs* shall be governed by Chapter 19.28 RCW and WAC 296- 46-910; and

4. *Signs* with an on/off operation shall be permitted only in the CB and RB zones.

G. Maximum height for *wall signs* shall not extend above the highest exterior wall or *structure* upon which the *sign* is located, except in the DC zone which is governed by KMC 18.42.100.

H. Maximum height for *projecting signs* shall not extend above the highest exterior wall upon which the *projecting sign* is located.

I. Maximum height for *awning signs* shall not extend above the height of the awning upon which the *awning sign* is located.

J. Any *sign* attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the *building* itself, and shall not extend above the roof ridge line of the portion of the roof upon which the *sign* is attached.

K. Except as otherwise permitted by this chapter, *off-premises directional signs* shall not exceed four square feet in *sign* area.

L. *Mixed use developments* in the NB, CB, DC or RB zones are permitted one permanent residential identification *sign* not exceeding 32 square feet in addition to the maximum *sign* area requirements in the zone where the *mixed use development* is located. [Ord. 08-0293 § 2; Ord. 07-0267 § 21; Ord. 03-0175 § 36; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.060).]

18.42.070**Community bulletin board signs.**

One *community bulletin board sign* is permitted at public schools, in addition to other permitted public school signage. *Community bulletin board signs* are subject to the following provisions:

- A. *Community bulletin board signs* shall not exceed 32 square feet per side;
- B. *Community bulletin board signs* may be internally illuminated;
- C. *Community bulletin board signs* may be electrically controlled and may contain messages that change at intervals of five seconds or greater. All such *signs* shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;
- D. *Community bulletin board sign* messages are limited to those notifying the public of community events and public services. No commercial advertising shall be permitted on *community bulletin board signs*. Lettering shall be only one color;
- E. *Community bulletin board signs* shall not be located in the right-of-way and shall not impede pedestrian or vehicular traffic;
- F. *Wall signs* and *freestanding signs* are permitted; and
- G. The maximum height for *freestanding signs* shall not exceed 15 feet. [Ord. 08-0293 § 2; Ord. 04-0211 § 1; Ord. 03-0175 § 37; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.065).]

18.42.080**A-frame/sandwich board signs.**

A-frame/sandwich board *signs* shall be permitted throughout the city provided that:

- A. *Sign* does not exceed six square feet per face;
- B. *Sign* is only displayed during business hours;
- C. *Sign* must be displayed on the property containing the business;
- D. *Sign* must not be located in the right-of-way or impede pedestrian or vehicular traffic;
- E. Only one *sign* for each *street frontage* shall be permitted, up to a maximum of two *signs*; and
- F. No banners, streamers, balloons or pennants may be attached to any *sign*. [Ord. 02-0155 § 2.]

18.42.090**Residential zone signs.**

Signs in the downtown residential and R zones are limited as follows:

A. Nonresidential Use.

- 1. One *sign* identifying nonresidential uses, not exceeding 25 square feet and not exceeding six feet in height is permitted;
- 2. Schools are permitted one *sign* per school or school facility entrance, which may be located in the *setback*. Two additional *wall signs* attached directly to the school or school facility are permitted;
- 3. *Home occupation* and *home industry signs* are limited to *wall signs* not exceeding six square feet.

B. Residential Use.

- 1. One residential identification *sign* not exceeding two square feet is permitted; and
- 2. One *permanent residential development identification sign* not exceeding 32 square feet is permitted per *development*. The maximum height for the *sign* shall be six feet. The *sign* may be freestanding or mounted on a wall, fence, or other structure. [Ord. 03-0175 § 38; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.080).]

18.42.100**Downtown commercial zone signs.**

Signs in the downtown commercial zones shall be limited as follows:

- A. *Wall signs* are permitted, provided they do not total an area more than 10 percent of the *building facade* on which they are located and provided they are limited to *building facades* with *street frontage* or to *building facades* with a business entrance if the business has an exterior facade which does not face a *street*. A maximum of two *wall signs* may be permitted per allowed facade, except that multitenant *buildings* may have one *wall sign* per business. The *wall sign* shall be placed on the facade not more than 25 feet above grade, measured to the top of the *sign*, except that properties fronting SR-522 may have one *wall sign* above 25 feet above grade if the *sign* is limited to the name and/or logo of the business(es) or *development*.

B. Freestanding Signs.**1. Number and Size.**

a. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the lot, provided corner lots with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*. Properties fronting SR-522 may have one *freestanding sign* for the frontage along SR-522 that shall not exceed 75 square feet.

b. Properties providing *freestanding signs* no greater than five feet in height are allowed a maximum *sign* size of 60 square feet, unless located on SR-522 where such *signs* shall not exceed 85 square feet;

2. On lots where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided, the combined *sign* does not exceed 80 square feet, except that properties fronting SR-522 may combine signage to a maximum of 100 square feet; and

3. The maximum height for *freestanding signs* shall be 15 feet, unless the *sign* is placed along the frontage of SR-522 when it may be a maximum of 25 feet in height.

C. *Awning Signs*. An *awning sign(s)* may be used in place of a *wall sign* or *freestanding sign*. A maximum of 50 square feet of copy may appear on the vertical face area; the drop edge of the awning shall not exceed 12 inches in height. The maximum height of an awning shall be 10 feet. Awnings may extend over the right-of-way and have clearances according to the terms of the adopted Uniform Building Code. The *awning sign* shall be unlit or externally illuminated. Directed lighting under an awning for purposes of lighting a business entrance is allowed. Backlighting of awnings for *sign* purposes shall not be permitted.

D. *Projecting Signs*. A *projecting sign(s)* may be used in place of a *wall sign* or *freestanding sign*. Such *projecting signs* shall not exceed 12 square feet in size if unlit or externally lit, or six square feet if internally lit. Such *signs* shall be located on *building facades* with *street frontage* or to *building facades* with a business entrance if the business has an exterior facade which does not face a *street*. A *projecting sign* may extend over the public right-of-way by no more than four feet from the wall it is mounted on. When projecting over a public right-of-way, a minimum of eight feet clearance above the surface of the sidewalk is required. [Ord. 08-0293 § 2; Ord. 03-0175 § 39; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.090).]

18.42.110**Neighborhood business zone signs.**

Signs in the NB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 10 percent of the *building facade* on which they are located;

B. Freestanding Signs.

1. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the lot, provided corner lots with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On lots where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* does not exceed 150 square feet; and

4. The maximum height for *freestanding signs* shall be 15 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.095).]

18.42.120**Community business zone signs.**

Signs in the CB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. Freestanding Signs.

1. One *freestanding sign* not exceeding 85 square feet, plus an additional 20 square feet for each additional business in a multiple tenant *structure* but not to exceed 145 square feet total, is permitted for each *street frontage* of the lot, provided corner lots with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined, provided the combined *sign* area does not exceed 250 square feet; and

4. The maximum height for *freestanding signs* shall be 20 feet. [Ord. 07-0267 § 22; Ord. 98-0026 §§ 1, 2 (KCC 21A.20.100).]

18.42.130

Regional business zone signs.

Signs in the RB zone shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. *Freestanding Signs*.

1. One *freestanding sign* not exceeding 170 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage* not exceeding 150 square feet;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* area does not exceed 300 square feet; and

4. The maximum height for a *freestanding sign* shall be 25 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.110).]

18.42.135

Signs in the public/semi-public, parks and golf course zones.

Signs in the public/semi-public, parks or golf course zone shall meet the standards of the nearest adjoining zone to which the *sign* faces.

18.42.140

Signs or displays of limited duration.

The following temporary *signs* or displays are permitted and except as required by the Uniform Building Code, or as otherwise required by this chapter, do not require building permits:

A. Grand Opening Displays.

1. *Signs*, posters, pennants, banners, strings of lights, blinking lights, balloons and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise, the opening of an enterprise under new management, or the re-opening of an enterprise following a substantial building remodel; and

2. All grand opening displays shall be removed upon the expiration of 30 consecutive days;

B. Construction *Signs*.

1. Construction *signs* identifying architects, engineers, planners, contractors or other individuals or firms involved with the construction of a *building* and announcing the character of the *building* or the purpose for which the *building* is intended may be displayed;

2. One nonilluminated, double-faced *sign* is permitted for each public *street* upon which the project fronts;

3. No *sign* shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

4. Construction *signs* must be removed by the date of first occupancy of the premises or one year after placement of the *sign*, whichever occurs first;

C. Political *Signs*.

1. *Signs*, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on *private* property with the consent of the property owner. Any such *sign*, poster or bill shall be removed within 10 days following the election; and

2. No *sign*, poster, bill or other advertising device shall be located on public property or within public easements or *street* right-of-way;

D. Real Estate Signs. All temporary real estate signs may be single or double-faced signs:

1. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.

2. Real estate open house A-frame/sandwich board residential directional signs announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

3. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property.

4. On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale or rental of the last lot or dwelling unit in the development or within 3 years of installation, whichever occurs first.

5. Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two street miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. The sign(s) shall be removed within 30 days after closing of the sale or rental of the last lot or dwelling unit in the development or within 3 years of installation, whichever occurs first.

6. Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;

E. Community Event Signs.

1. Community event signs shall be limited to announcing or promoting a nonprofit sponsored community fair, festival or event;

2. Community event signs may be displayed no more than the time period specified in the temporary use permit issued pursuant to Chapter 18.100 KMC; and

3. Community event signs shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.120).]

18.42.150

Billboards – Location and height standards.

A. All billboard alterations or relocations shall comply with the following location and design standards:

1. Billboards shall only be located on sites zoned CB or RB;

2. No more than five billboard faces shall be oriented toward and visible from the same direction of travel within one mile of the proposed relocation site as measured along the adjacent roadway;

3. Billboards shall be located at least 100 feet from any other billboard, provided side-by-side, v-type and back-to-back billboard faces shall be considered one billboard for purposes of this subsection only;

4. The zoning on the opposite side of the street from a proposed relocation site must also permit billboards;

5. Type II billboards shall be at least 100 feet from any residential zone. Type I billboards shall be at least 330 feet from any residential zone;

6. No billboard shall extend beyond the property line of the billboard site;

7. No billboard shall be located more than 100 feet from any adjacent arterial;

8. Billboards shall observe the same street setback as all buildings within 50 feet of the proposed billboard location;

9. Type I billboard faces shall only be located adjacent to arterials developed with at least two primary travel lanes in each direction. In all other locations, billboards shall be limited to Type II billboard faces; and

10. No single billboard structure shall support a total of more than two Type I billboard faces or the equivalent, and no single billboard structure shall orient more than one Type I billboard face or the equivalent in any single direction.

B. Height.

1. *Billboards* located in the CB or RB zone shall not exceed 15 feet above the average height of all *buildings* within 330 feet of the *billboard* or 35 feet, whichever is less.

18.42.160

Billboards – General requirements.

A. The total number of *billboard faces* within the *city* shall not exceed the total number of *billboard faces* existing on June 20, 1988, except as provided in KMC 18.42.180(E). In addition, the total number of existing *billboard faces* within each zone permitting *billboards* shall not be exceeded except as provided in KMC 18.42.170.

B. As soon as practical after incorporation, the *city* shall compile an inventory of existing *billboards* within the *city*. Until the inventory is completed, no *billboard* shall be erected, modified, or relocated, nor shall the *city* issue any permits. Following completion of the inventory, the *city* shall grant a *billboard* permit for each existing *billboard* reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this chapter. Only inventoried *billboards* may be subsequently issued *billboard* alteration or relocation permits. *Billboard* owners can accelerate the inventory process by providing the necessary inventory information for their *billboards*. If owners have provided necessary inventory information for all *billboards* in their ownership, the *city* shall release *billboard* permits for that ownership, regardless of the degree of completion of the remainder of the inventory. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.140).]

18.42.170

Billboards – Special restrictions in the CB zone.

A. In the event that a *billboard* owner elects to relocate CB-zoned *billboards* outside of the CB zone, the CB zone designation shall be removed and that permit may not later be used to relocate a *billboard* in the CB zone.

B. *Billboards* may be relocated only within the zone district identified on the valid *billboard* permit, except the number of *billboards* permitted within non-CB zone district may increase only as a result of *billboard* relocation from within the CB zone district. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.150).]

18.42.180

Billboards – Alteration or relocation limitations.

A. Except as provided in subsection (D) of this section, *billboards* shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a *billboard* alteration or relocation permit. All such permits shall require full compliance with the provisions of KMC 18.42.150 through 18.42.200.

B. There shall be no time limit on the eligibility to alter or relocate inventoried *billboards*; however, individual alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by the *city*, and no further work on the subject *billboard* shall occur until a permit is issued.

C. Relocation of inventoried *billboards* shall also require the issuance of a demolition permit for the removal of the existing *billboard*. *Billboard* demolitions shall be completed within 90 days of permit issuance and prior to installation of the relocated *billboard*.

D. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of an inventoried *billboard* shall not require alteration permits. *Billboard* copy replacement may occur at any time and is exempt from the requirement for alteration permits, provided:

1. New Type II *billboard faces* do not exceed the size of previously inventoried faces; or

2. New Type I *billboard faces* may only exceed the size of the previously inventoried face with temporary cut-out extensions if the *billboard* is otherwise conforming, and if the extensions do not exceed a total of 125 square feet. Any extension shall be removed with the next change of *billboard* copy.

E. Single Type I *billboard faces* may be replaced with two side-by-side Type II *billboard faces*, and likewise two side-by-side Type II *billboard faces* may be replaced with a single Type I *billboard face*, provided each resulting *billboard face* complies with the location and height standards of KMC 18.42.150.

F. Any location or orientation alteration of *billboards* conforming to the provisions of KMC 18.42.150 through 18.42.200 shall be accompanied by the alteration or relocation of an equal number of *billboards* under the control of the same *applicant* which do not fully conform to these provisions, if any nonconforming *billboards* exist. Whenever

more than one nonconforming *billboard* exists under a single ownership, they shall be made conforming in the following order:

1. *Billboards* deemed nonconforming pursuant to KMC 18.42.190;
2. *Billboards* located in zones which do not allow *billboards*;
3. *Billboards* located in *billboard* free areas;
4. *Billboards* located in the CB zone district; and
5. Any other nonconforming *billboard*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.160).]

18.42.190

Billboards – View and vegetative screening protections.

A. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200 or other applicable laws or regulations, no *billboard* shall be located or oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt. Baker, the Olympic Mountains, or any lake or river from adjacent public roadways. All applications for *billboard* alteration or relocation shall be certified by the *applicant* as meeting this provision. Any *billboard* subsequently found to violate this provision shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.42.180(F).

B. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200 or other applicable law or regulation, no *billboard* owner or his agent shall remove, cut, or otherwise alter any vegetative screening on public property or *private landscaping* required by code as a condition of permit approval in order to improve the visibility of a nearby *billboard*. Should such an alteration occur, any *billboard* so benefited shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.42.180(F). [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.170).]

18.42.200

Billboard free areas.

A. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200, no *billboard* shall be relocated in any of the following areas:

1. Sites listed in either the Washington State or National Register of Historic Places or on sites designated as *city* landmarks or community landmarks;
2. *Open space* and scenic resource sites identified in a *city open space* plan;
3. Between any sites identified in subsection (A)(1) or (A)(2) of this section and the nearest adjacent public roadways;
4. Within 660 feet of any state or *city park*;
5. The south and east side of State Highway 522 from Northeast 149th Street to 68th Avenue Northeast;
6. Northeast 175th Street from 61st Avenue Northeast to 68th Avenue Northeast.

B. After *city* incorporation, any *billboard* located in a designated *billboard* free area shall be deemed nonconforming and shall be relocated pursuant to KMC 18.42.180(F). [Ord. 98-0026 §§ 1, 2 (KCC 21A.20.180).]

Chapter 18.45

DEVELOPMENT STANDARDS – ADEQUACY OF PUBLIC FACILITIES AND SERVICES

Sections:

- 18.45.010 Purpose.
- 18.45.020 General requirements.
- 18.45.030 Adequate sewage disposal.
- 18.45.040 Adequate water supply.
- 18.45.050 Surface water management.
- 18.45.060 Adequate streets.
- 18.45.070 Adequate vehicular access.
- 18.45.080 Adequate fire protection.

- 18.45.090 School concurrency – Applicability and relationship to fees.
- 18.45.100 Findings, recommendations, and decisions regarding school capacities.
- 18.45.120 School concurrency standard.
- 18.45.130 Credit for improvements.

18.45.010**Purpose.**

The purpose of this chapter is to ensure that public facilities and services necessary to support *development* are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

- A. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to *development*;
- B. Allocating the cost of those facilities and services fairly; and
- C. Providing a general framework for relating development standards and other requirements of this code to:
 - 1. Adopted service level standards for public facilities and services;
 - 2. Procedural requirements for phasing development projects to ensure that services are provided as *development* occurs; and
 - 3. The review of *development permit* applications. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.010).]

18.45.020**General requirements.**

A. All new *development proposals* including any *use*, activity or *structure* that requires *city* approval shall be adequately served by the following facilities and services prior to the time of occupancy, recording or other land use approval, as further specified in this chapter:

- 1. Sewage disposal;
- 2. Water supply;
- 3. Surface water management;
- 4. *Streets* and access;
- 5. Fire protection service; and
- 6. Schools.

B. Applications for all new *development proposals* requiring water or sewer service shall include a certificate of water availability and a certificate of sewer availability from the *department* to demonstrate compliance with this chapter and other provisions of this code, the comprehensive plan and the Growth Management Act.

C. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single *development proposal*. If changes and modifications result in impacts not considered when the proposal was first approved, the *city* shall consider the revised proposal as a new *development proposal*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.020).]

18.45.030**Adequate sewage disposal.**

All new *development* shall be served by an adequate public or *private* sewage disposal system, including both collection and treatment facilities as follows:

- A. A public sewage disposal system is adequate for a *development proposal* provided that:
 - 1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the *site* of the proposed *development* is or can be served by an existing disposal system consistent with KMC Title 13, and the disposal system has been approved by the *department* as being consistent with applicable state and local design and operating guidelines;
 - 2. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection (A)(1) of this section is installed to serve each *building* or *lot*;
 - 3. For a *zone reclassification*, the timing of installation of required sewerage improvements shall be contained in the approving ordinance; and

B. A *private* individual sewage system is adequate, if an on-site sewage disposal system for each individual *building* or *lot* is installed to meet the requirements and standards of Seattle/King County public health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.030).]

18.45.040

Adequate water supply.

All new *development* shall be served by an adequate public or *private* water supply system as follows:

A. A public water system is adequate for a *development proposal* provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the *applicant* must demonstrate that the existing water supply system available to serve the *site*:

a. Complies with the applicable planning, operating and design requirements of Chapter 246-290 WAC; Chapter 12.50 and 12.55 KMC and KMC Title 15; coordinated water system plans; KMC Titles 8, 9, 13 and other applicable provisions of the rules and regulations of Seattle/King County public health; and any limitation or condition imposed by the *city*-approved comprehensive plan of the water purveyor; and

b. The proposed improvements to an existing water system have been reviewed by the *department* and determined to comply with the design standards and conditions specified in subsection (A)(1)(a) of this section; or

c. A proposed new water supply system has been reviewed by the *department* and determined to comply with the design standards and conditions specified in subsection (A)(1)(a) of this section;

2. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection (A)(1) of this section shall be installed to serve each *building* or *lot* respectively;

3. For a *zone reclassification*, the timing of installation of required water system improvements shall be included in the approving ordinance.

B. An on-site, individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued if:

1. The *buildings* or *lots* to be served are located outside of a *city*-approved water purveyor service area; or

2. The water purveyor has indicated that service cannot be provided in compliance with the purveyor's approved comprehensive plan; and

3. Seattle/King County public health has approved the proposed method of water supply in accordance with the applicable health rules and regulations and this section. The *applicant* shall provide appropriate information to demonstrate to the *department* and Seattle/King County public health that a *private* individual water system will be adequate. Seattle/King County public health may require installation of *private* individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.040).]

18.45.050

Surface water management.

All new *development* shall be served by an adequate surface water management system as follows:

A. The proposed system is adequate if the *development proposal site* is served by a surface water management system approved by the *department* as being consistent with the design, operating and procedural requirements of the Surface Water Design Manual and KMC Title 13;

B. For a subdivision, short subdivision, *zone reclassification*, site plan review or master plan, the phased installation of required surface water management improvements shall be stated in the conditions of project approval. Such phasing may require that a bond or similar security be deposited with the *city*; and

C. An adjustment from the requirements of the Surface Water Design Manual and KMC Title 13 shall be reviewed as set forth in KMC 13.35.050 and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.050).]

18.45.060**Adequate streets.**

A. All new *development* shall be served by adequate *streets*. *Streets* are adequate if the *development's* traffic impacts on surrounding public *streets* are acceptable under the level-of-service standards and the compliance procedures established in KMC Title 12.

B. As a result of the impact created by a proposed *development*, dedication or deeding to the *city* of right-of-way or a portion thereof for public *streets* in accordance with *city street* standards shall be required within or along the boundaries of the *site*:

1. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for *street* purposes;
2. Where necessary to extend or to complete the existing or future neighborhood *street* pattern as shown on the *city* street map (see KMC Title 12);
3. Where necessary to provide additions of right-of-way to existing *city* right-of-way;
4. Where necessary to conform to *city street* standards or *city street* improvement projects; or
5. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the Kenmore comprehensive plan.

C. A *variance* request from the *street* cross-section or construction standards established by KMC Title 12, Streets and Bridges, shall be reviewed as set forth in KMC 12.50.060 and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.060).]

18.45.070**Adequate vehicular access.**

All new *development* shall be served by adequate vehicular access as follows:

A. The property upon which the *development proposal* is to be located has direct access to:

1. A public or *private street* that meets *city street* standards or is formally declared acceptable by the *city manager*; or
2. The property has access to such a *street* over a *private* driveway approved by the *city*;

B. Every *lot* upon which one or more *buildings* is proposed to be erected or traffic generating *use* is proposed to be established, shall establish safe access as follows:

1. Safe passage from the *street* right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in Chapter 18.40 KMC;
2. Direct access from the *street* right-of-way, fire lane or a *parking space* to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
3. Direct access from the *street* right-of-way, driveway, *alley* or other means of ingress/egress approved by the *city*, to all required off-street *parking spaces* on the premises. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.120).]

18.45.080**Adequate fire protection.**

All new *development* shall be served by adequate fire protection as set forth below:

A. The *site* of the *development proposal* shall be served by a water supply system that provides at least minimum fire flow and a *street* system or fire lane system that provides life safety/rescue access, and other fire protection requirements for *buildings* as required by KMC Title 15;

B. For a zone *reclassification*, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the *city*; and

C. A *variance* request from the requirements established by KMC Title 15 shall be reviewed as set forth in KMC 15.15.090 and/or in Article 2 of the currently adopted edition of the Fire Code and does not require a *variance* from this title unless relief is requested from a building height, *setback*, *landscaping* or other development standard set forth in this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.130).]

18.45.090**School concurrency – Applicability and relationship to fees.**

A. The school concurrency standard set out in KMC 18.45.120 shall apply to applications for preliminary plat, short plats of more than four lots, *mobile home parks*, requests for multifamily zoning, and land use and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.

B. The city's finding of concurrency shall be made at the time of preliminary plat, short plat or other land use permit approval, at the time that a request to actualize potential multifamily zoning is approved, at the time a *mobile home park* site plan is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the *development* shall be considered as vested for purposes of the concurrency determination.

C. Excluded from the application of the concurrency standard are:

1. Building permits for individual single-family dwellings;
2. Any form of housing exclusively for *senior citizens*, including nursing homes and retirement centers;
3. *Shelters for temporary placement, relocation facilities and transitional housing facilities*;
4. Replacement, reconstruction or remodeling of existing *dwelling units*;
5. Short subdivisions of four or less lots; and
6. Any residential building permit for any *development proposal* for which a concurrency determination has already been made pursuant to the terms of this title.

D. All of the *development* activities which are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to KMC Title 20.

E. The assessment and payment of impact fees are governed by and shall be subject to the provisions in KMC Title 20 addressing school impact fees.

F. A certification of concurrency for a school district shall not preclude the city from collecting impact fees for the district.

18.45.100**Findings, recommendations, and decisions regarding school capacities.**

A. The *city manager* and/or the *hearing examiner*, in the course of reviewing proposals for residential *development* including applications for plats, short plats, or land use approvals for multifamily housing projects, *mobile home parks*, or multifamily zoning, and multifamily building permits, shall consider the *school district's capital facilities plan*.

B. The *school district* is authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific *development*.

C. Based upon a finding that the impacts generated by the plat, short plat, *mobile home park* or the multifamily *development* were generally not anticipated at the time of the last approval of a *school district capital facilities plan* and were not included in the district's long-range forecast, the *city manager* may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

D. Determinations of the *hearing examiner* or *city manager* regarding concurrency can be appealed only pursuant to the provisions for appeal of the *development permit* process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the *hearing examiner* using the appeal procedures for *variances*. Any errors in the formula identified as a result of an appeal should be referred to the council for possible modifications.

E. Where the council has not adopted an impact fee ordinance for a particular *school district*, the language of this section shall not affect the authority or duties of the *hearing examiner* or the *city manager* pursuant to the State Environmental Policy Act or the State Subdivision Act. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.150).]

18. 45.120**School concurrency standard.**

A. Schools shall be considered to have been provided concurrently with the *development* which will impact the schools if:

1. The permanent and interim improvements necessary to serve the *development* are planned to be in place at the time the impacts of *development* are expected to occur; or

2. The necessary financial commitments are in place to assure the completion of the needed improvements to meet the *school district's* standard of service within three years of the time that the impacts of *development* are expected to occur. Necessary improvements are those facilities identified by the *school district* in its capital facilities plan.

B. Any combination of the following shall constitute the “necessary financial commitments” for the purposes of subsection (A) of this section:

1. The district has received voter approval of and/or has bonding authority;
2. The district has received approval for federal, state, or other funds;
3. The district has received a secured commitment from a developer that the developer will construct the needed *permanent school facility*, and the *school district* has found such facility to be acceptable and consistent with its capital facilities plan; and/or
4. The district has other assured funding, including but not limited to school impact fees which have been paid.

C. Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.160).]

18.45.130

Credit for improvements.

Whenever a *development* is granted approval subject to a condition that the development proponent actually provide a *permanent school facility* acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by KMC Title 20. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee. [Ord. 98-0026 §§ 1, 2 (KCC 21A.28.180).]

Chapter 18.47

PROPERTY-SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS

Sections:

- 18.47.010 Purpose.
- 18.47.030 Property-specific (P-Suffix) development standards.
- 18.47.040 Special district overlays (SO) development standards.

18.47.010

Purpose.

The purposes of this chapter are to provide for alternative development standards to address unique *site* characteristics and to address development opportunities which can exceed the quality of standard *developments*, by:

- A. Identifying property-specific development standards for increasing minimum requirements of this title on individual *sites*; or
- B. Identifying special district overlays with alternative standards for special areas designated by the comprehensive plan. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.010).]

18.47.030

Property-specific (P-suffix) development standards.

A. Adopted property-specific development standards are maintained by the *department* in the property specific development standards notebook. The property-specific development standards apply to any *development proposal* on the subject properties. The following P-suffix development standards are in effect: NS-P1, NS-P4, NS-P10, NS-P13, and NS-P19.

B. Property-specific development standards address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards.

18.47.040

Special district overlays (SO) development standards.

Special district overlays include policies that prescribe the purposes and location of the overlay.

A. Adopted special district overlays are maintained by the *department* in the property-specific development standards notebook. The special district overlay development standards apply to any *development proposal* on the subject properties. The following SO development standards are in effect: SO-050.

B. Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other *city* ordinances and regulations govern all *development* and *land uses* within special district overlays; and

C. A special district overlay on an individual *site* may be modified by property-specific development standards as provided in KMC 18.47.030. [Ord. 98-0026 §§ 1, 2 (KCC 21A.38.040).]

Chapter 18.50

DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES

Sections:

- 18.50.010 Purpose.
- 18.50.050 Townhouse development.
- 18.50.060 Attached dwellings and group residences – Applicability.
- 18.50.070 Attached dwellings and group residences – Vehicular access and parking location.
- 18.50.080 Attached dwellings and group residences – Building facade modulation.
- 18.50.090 Mixed use development – Percentages of residential uses.
- 18.50.100 Mixed use development – Residential density.
- 18.50.110 Mixed use development – Building floor area.
- 18.50.120 Mixed use development – Design features.
- 18.50.140 Mobile home parks – Standards for existing parks.
- 18.50.150 Mobile home parks – Standards for new parks.
- 18.50.160 Mobile home parks – Alternative design standards.
- 18.50.180 Re-use of facilities - Purpose
- 18.50.200 Re-use of facilities – General standards.
- 18.50.210 Re-use of facilities – Re-establishment of closed public school facilities.
- 18.50.220 Re-use of facilities – Standards for conversion of historic *buildings*.
- 18.50.230 Hazardous liquid and gas transmission pipelines.

18.50.010

Purpose.

The purpose of this chapter is to improve the quality of *development* by providing *building* and site design standards for specific *uses* that:

- A. Reduce the visual impact of large residential *buildings* from adjacent *streets* and properties;
- B. Enhance the aesthetic character of large residential *buildings*;
- C. Contain sufficient flexibility of standards to encourage creative and innovative *site* and *building* design;
- D. Enhance aesthetics and environmental protection through site design; and
- E. Allow for continued or adaptive re-use of *historic resources* while preserving their historic and architectural integrity. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.010).]

18.50.050**Townhouse development.**

In the R-1 through R-6 zones and in the NB zone, a *building* that contains a grouping of attached *townhouse* units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of *townhouses*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.060).]

18.50.060**Attached dwellings and group residences – Applicability.**

The standards of KMC 18.50.070 and 18.50.080 shall apply to all new *apartment developments* exceeding four *dwelling units*, new *townhouse development* and new group residences except Class I *community residential facilities (CRF-I)*. Expansions of existing *development* that involve four or more *dwelling units* shall be subject to compliance with KMC 18.50.070 and 18.50.080. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.070).]

18.50.070**Attached dwellings and group residences – Vehicular access and parking location.**

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with Chapter 18.52 KMC, Downtown Design Standards, the following requirements apply:

A. On *sites* abutting an *alley* constructed to a width of at least 20 feet, *apartment* and *townhouse development* and all group residences except Class I *community residential facilities (CRF-I)* shall have parking areas placed to the rear of *buildings* with primary vehicular access via the *alley*, except when waived by the *city manager* due to physical *site* limitations.

B. When *alley* access is provided, no additional driveway access from the public *street* shall be allowed except as necessary to access parking under the *structure* or for fire protection.

C. When the number of uncovered common *parking spaces* for attached dwellings and group residences exceeds 30 spaces and when there is *alley* access, no more than 50 percent of these uncovered *parking spaces* shall be permitted between the *street* property line and any *building*, except when authorized by the *city manager* due to physical *site* limitations. [Ord. 03-0175 § 21; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.080).]

18.50.080**Attached dwellings and group residences – Building facade modulation.**

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which must comply with Chapter 18.52 KMC, Downtown Design Standards, *apartment* and *townhouse developments* and all group residences shall provide *building facade modulation* on facades exceeding 60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

A. The maximum wall length without *modulation* shall be 30 feet; and

B. The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet;

C. Any other technique approved by the *city manager* that achieves the intent of this section. [Ord. 03-0175 § 22; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.090).]

18.50.090**Mixed use development – Percentages of residential uses.**

Residential *uses* in *mixed use developments* shall be subject to the following limits:

A. A maximum of 50 percent of the total built floor area when located in NB zones; and

B. A maximum of 75 percent of the total built floor area when located in CB, RB and DC zones; provided, that the total percentage may be increased by an additional 10 percent with the approval of the *city manager*. [Ord. 03-0175 § 23; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.110).]

18.50.100**Mixed use development – Residential density.**

Base residential density for *mixed use developments* shall be determined using total *site area* according to KMC 18.30.020. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.120).]

18.50.110**Mixed use development – Building floor area.**

A. For *mixed use developments* that utilize at least 50 percent of building square footage for residential *uses* in RB zones, the building *floor area ratio* shall be as follows: 4.0/1;

B. Building *floor area ratios* of subsection (A) of this section may be increased when all required parking is contained within a common parking structure, as follows: 5.0/1 in RB zone. [Ord. 03-0175 § 24; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.130).]

18.50.120**Mixed use development – Design features.**

Mixed use development shall provide off-street parking behind or to the side of *buildings*, or enclosed within *buildings* consistent with KMC 18.40.030 and any applicable design standards for the district. Relief from this requirement may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Chapter 18.52 KMC, Downtown Design Standards. A 25 percent reduction of required parking is allowed if a *mixed use development* meets the criteria of KMC 18.40.040 for shared parking. [Ord. 03-0175 § 25; Ord. 98-0026 §§ 1, 2 (KCC 21A.14.135).]

18.50.140**Mobile home parks – Standards for existing parks.**

A. *Mobile home parks* established prior to the effective date of this code shall continue to be governed by all standards relating to density, *setbacks*, *landscaping* and off-street parking in effect at the time they were approved.

B. Placement of new accessory *structures* and replacement *mobile homes* in these *mobile home parks* shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement *mobile homes* are proposed to be installed adjacent to each other under the flexible *setback* option set forth in KMC 18.50.160. Where internal *setbacks* are not specified, the average of the prevailing *setbacks* on the pads to either side of the proposed new or replacement *structure* shall apply.

C. No spaces or pads in an existing *mobile home park* shall be used to accommodate *recreational vehicles (RVs)*, except when the spaces or pads were specifically for RVs at the time the park was established.

D. An existing *mobile home park* may be enlarged, provided the proposed enlargement meets the standards set forth in KMC 18.50.150 and 18.50.160.

E. Both insignia and noninsignia *mobile homes* may be installed in established parks; provided, that all *mobile homes* supported by piers shall be fully skirted, and that nonstandard *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.150).]

18.50.150**Mobile home parks – Standards for new parks.**

New *mobile home parks* shall be developed subject to the following standards:

A. A *mobile home park* shall be at least three acres in area;

B. Residential densities in a *mobile home park* shall be as follows:

1. Six dwellings per acre in R-4 zone;

2. The base density of the zone in which the park is located in all R-6 through R-48 zones; and

3. *Mobile home parks* shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for *mobile home parks* set forth in Chapter 18.80 KMC;

C. Both insignia and noninsignia *mobile homes* may be installed in *mobile home parks*; provided, that noninsignia *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15;

D. A *mobile home park* shall be exempt from *impervious surface* limits set forth in the zoning standards;

E. At least one of the off-street *parking spaces* required for each *mobile home* shall be located on or adjacent to each mobile home pad;

F. Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the *city street* standards for residential minor access *streets*;

G. There shall be a minimum of 10 feet of separation maintained between all *mobile homes* on the *site*, unless the flexible *setback* option set forth in KMC 18.50.160 is used. Accessory *structures* shall be located no closer than:

1. Ten feet to *mobile homes* on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum *setback* shall be five feet;

2. Five feet to accessory *structures* of *mobile homes* on adjacent spaces; and

3. Five feet to the *mobile home* or other accessory *structures* on the same space, except a carport or garage may be attached to the *mobile home*, and the separation may be waived when such *structures* are constructed of noncombustible materials;

H. All *mobile homes* and RVs supported by piers shall be fully skirted; and

I. A *mobile home park* may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hookups and no RV within the storage area shall be used as living quarters. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.160).]

18.50.160

Mobile home parks – Alternative design standards.

As an alternative to the *building* separation and internal *street* standards of KMC 18.50.150:

A. *Building* separation requirements or *setbacks* between *mobile homes* and accessory *structures* on adjacent spaces may be modified, provided:

1. The common walls meet the fire protection standards set forth in the Uniform Building Code and the standards set forth in the Uniform Fire Code for duplexes, multifamily and condominium *developments*, as applicable; and

2. Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for *structures*, *fences* and yards;

B. *Private streets* may be used with a minimum driving surface of 22 feet in width, provided:

1. The *streets* comply in all other respects with the *street* standards;

2. All required parking is located off-street and as specified in KMC 18.50.150(E); and

3. Such *streets* shall not:

a. Directly connect two or more points of vehicular access to the park; or

b. Serve over 100 *dwelling units* within the park. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.170).]

18.50.180

Re-use of facilities - Purpose

The purposes of KMC 18.50.200 through 18.50.220 are to:

A. Encourage the adaptive re-use of existing public facilities which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:

1. Temporary re-use of closed public school facilities retained in *school district* ownership, and the reconversion of a temporary re-use back to a school use;

2. Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in *school district* or *public agency* ownership; or

3. Permanent re-use of historic *structures* listed on the National Register or designated as *city* landmarks. [Ord. 03-0175 § 41; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.010).]

18.50.200

Re-use of facilities – General standards.

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.200).]

18.50.210**Re-use of facilities – Re-establishment of closed public school facilities.**

The re-establishment or reconversion of an interim nonschool *use* of school facilities back to school *uses* shall require a site plan and the issuance of a change of use permit pursuant to KMC Title 15. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.210).]

18.50.220**Re-use of facilities – Standards for conversion of historic buildings.**

In order to insure that significant features of the property are protected pursuant to Chapter 2.20 KMC, the following standards shall apply to conversion of historic *buildings*:

A. Gross floor area of *building* additions or new *buildings* required for the conversion shall not exceed 20 percent of the gross floor area of the historic *building*, unless allowed by the zone;

B. Conversions to *apartments* shall not exceed one *dwelling unit* for each 3,600 square feet of lot area, unless allowed by the zone; and

C. Any construction required for the conversion shall require certification of appropriateness from the *city* landmark commission. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.220).]

18.50.230**Hazardous liquid and gas transmission pipelines.**

A. Tracts and easements containing *hazardous liquid and gas transmission pipelines* and required *setbacks* from such pipelines may include the following *uses*, subject to other regulations applicable to each *use* and approval of the holder of the easement: utility *structures* not normally occupied necessary for the operation of the pipeline, landscaping, *trails, open space*, keeping of animals, agriculture, forestry, commercial signage, *minor communication facilities* and the utility *structures* not normally occupied necessary for the operation of the *minor communication facility*, and other compatible *uses* as specified on the face of the recorded plat or short plat; provided, that *structures* designed for human occupancy shall never be allowed within pipeline tracts, easements or *setbacks*.

B. *Hazardous liquid and gas transmission pipelines* shall not be located in aquifer recharge areas, *landslide hazard areas* or *erosion hazard areas*. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety and welfare. [Ord. 98-0026 §§ 1, 2 (KCC 21A.14.225).]

Chapter 18.52**DOWNTOWN DESIGN STANDARDS**

Sections:

Article I. Introduction and Applicability

- 18.52.010 Purpose and intent.
- 18.52.020 Pedestrian-oriented streets and uses.
- 18.52.030 Scale of downtown development.
- 18.52.040 Example images included in standards.
- 18.52.050 Recommended guiding principles – General.
- 18.52.060 Additional principles – Northwest Quadrant.
- 18.52.070 Applicability.
- 18.52.075 Design Review Process.

Article II. Site Design – Standards for All Uses

- 18.52.100 Pedestrian walkways.
- 18.52.110 Northwest Quadrant circulation plan.

- 18.52.120 Public spaces and plazas.
- 18.52.130 Furnishings.
- 18.52.140 Site lighting.
- 18.52.150 Building location/setbacks (for commercial/mixed use buildings).
- 18.52.160 Building setbacks (for residential/primarily residential uses).
- 18.52.170 Surface parking lot location.
- 18.52.180 Parking lot screening.
- 18.52.190 Location of driveways.
- 18.52.200 Outdoor service and storage areas.

Article III. Building Design – Standards for All Uses

- 18.52.210 Corner features.
- 18.52.220 Roof form.
- 18.52.230 Structured parking.
- 18.52.240 Blank wall and side wall screening.
- 18.52.250 Pedestrian bridges.

Article IV. Building Design – Standards for Commercial/Mixed Use Buildings

- 18.52.260 Visible building entrances.
- 18.52.270 Ground floor facades.
- 18.52.280 Ground floor transparency and visibility.
- 18.52.290 Weather protection.
- 18.52.300 Building materials.
- 18.52.310 Upper level stepbacks, mass, and bulk.

Article V. Building Design – Standards for Residential/Primary Residential Uses

- 18.52.320 Primary residential entrances.
- 18.52.330 Building mass and bulk.
- 18.52.340 Materials.
- 18.52.350 Windows.

Article I. Introduction and Applicability

18.52.010

Purpose and intent.

The Kenmore downtown design standards are intended to implement the *city's* comprehensive plan and vision for the creation of "...a community with an attractive, vital, pedestrian-oriented *city* center offering commercial, civic, cultural and *park* spaces, integrated with higher density housing..." and "...a community with clear design standards creating attractive, functional, and enduring *buildings* and places..."

The purpose of the downtown design standards is to create a pedestrian-oriented downtown by identifying appropriate *site* and development standards for new *development*.

The Kenmore design standards are structured in the following manner. [Ord. 03-0176 § 1.]

18.52.020

Pedestrian-oriented streets and uses.

The highest priority is to provide as much guidance to those elements that affect the development pattern and pedestrian orientation: *building* orientation and location on *site*, relationship to the *street*, and circulation. Standards relating to these topics are more specific and relate to:

- A. A sidewalk environment which is lively, attractive, comfortable, and safe;

- B. Rich visual detail in the built environment which tells the user how *buildings* and places are used;
- C. Visual predominance of *buildings*, walkways, and landscape, less prominent *signs*, and parking lots and *structures* which are generally concealed from view. [Ord. 03-0176 § 1.]

18.52.030**Scale of downtown development.**

Standards relating to the character of *development* are structured to provide greater flexibility in *development* and *building* design. They provide a palette of options to consider during the design process and address:

- A. *Ground floors* of *buildings*;
- B. *Buildings* of several stories which create continuity along the streetscape and walkways;
- C. Detail in *building* mass and form which creates human scale with the parts of larger *buildings*. [Ord. 03-0176 § 1.]

18.52.040**Example images included in standards.***

The photographs in this document are included to visually depict the type of *site* or *building* design considerations that could meet the intent of the Kenmore design standards. The images are examples only and are not intended to be interpreted as the only design approach possible.

These photographs correspond to the intent of the visioning process and visual preference survey conducted during the comprehensive plan process and independent research efforts by the planning commission conducted in May 2002. [Ord. 03-0176 § 1.]

*Code reviser's note: Exhibit A to Ordinance 03-0176 contains the photographs for the Kenmore downtown design standards. A copy for public review and examination is on file and available in the office of the city clerk.

18.52.050**Recommended guiding principles – General.**

- A. 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.
- B. Address the different characteristics of downtown by encouraging regional serving *development* south of SR-522 and local serving *development* north of SR-522.
- C. Support redevelopment in accordance with the vision for the downtown through investment in public infrastructure including transportation, utility, and civic infrastructure.
- D. 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.
- E. Give priority consideration to strong linkages between the four downtown quadrants and the surrounding neighborhoods. Pedestrian crossings, including a bridge(s), over 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.
- F. Create a downtown circulation system that promotes mobility for all modes of travel, emphasizing a loop road circulation system.
- G. Create an interconnected system of *trails*, sidewalks, bikeways, and open spaces in downtown.
- H. 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.
- I. 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.
- J. Coordinate public and *private* investment to achieve optimal leverage of public funds.
- K. 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.
- L. The downtown should acknowledge and create a beneficial and symbiotic relationship with SR-522.

M. Integrate and manage downtown *development* to support sound ecological principles by responding to natural landforms, providing stormwater management, improving water quality, and retaining and adding green spaces.

N. 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. [Ord. 03-0176 § 1.]

18.52.060

Additional principles – Northwest Quadrant.

A. Locate the Civic Center facility (including City Hall, a community center and library) 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 the Civic Center criteria, it should not be ruled out.

B. Locate a multi-modal transportation facility in the Northwest Quadrant linked with other public facilities and spaces, functioning as a key node within a larger regional system.

C. Locate the Civic Center facility at a highly visible and/or accessible location, if possible taking advantage of view corridors to Lake Washington. The facility should provide long-term expansion potential and opportunities for *private* use of *public space*. Additional potential civic *uses* should be considered. The facility should be prominent, distinguishable and visually attractive.

D. 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.

E. Give priority consideration to public purchase of parcels in the Northwest Quadrant where desired *private* investment is least likely to occur. Public investment may include purchase, long-term lease or other owner/tenant options. [Ord. 03-0176 § 1.]

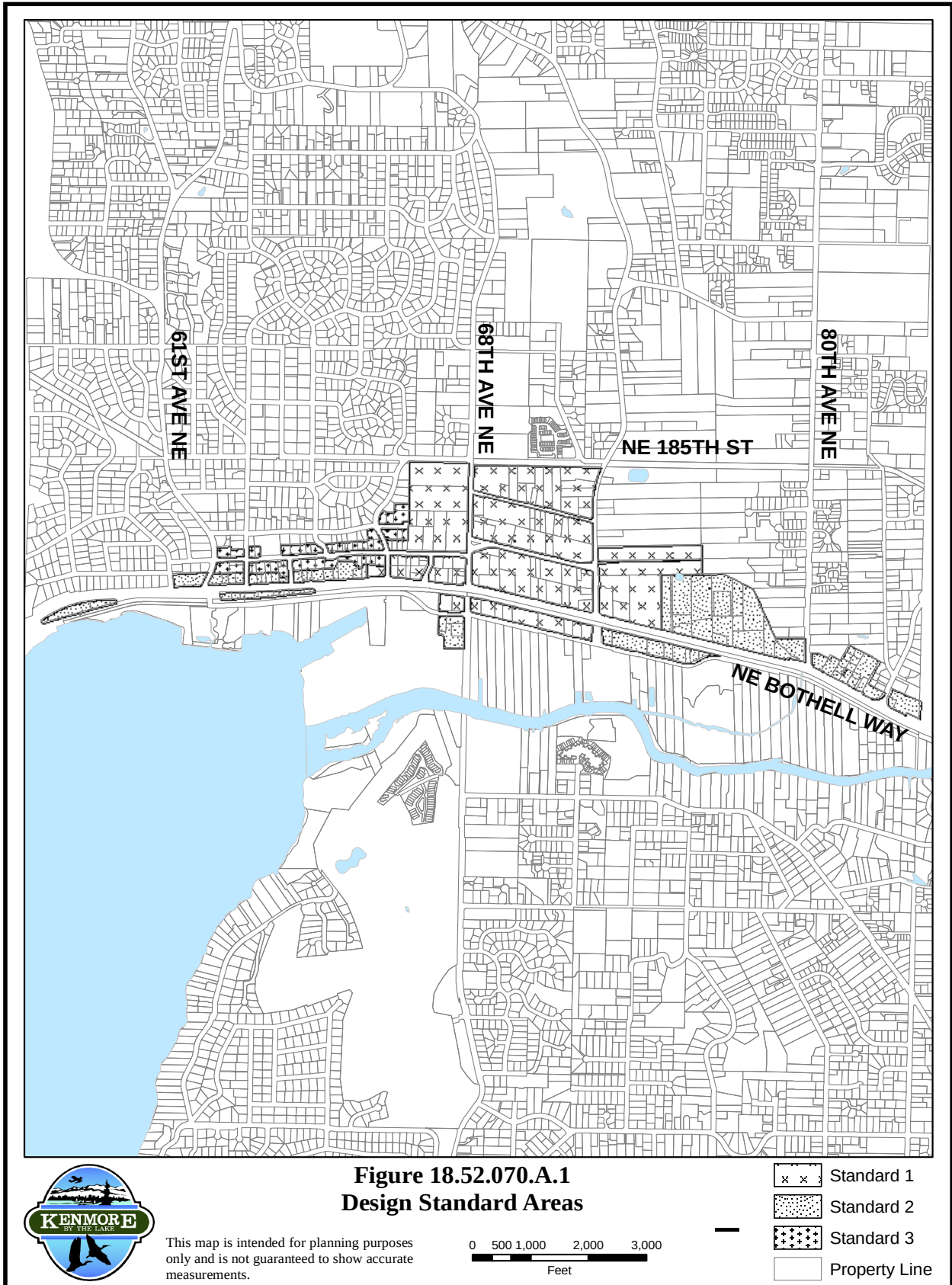
18.52.070

Applicability.

A. Design standards shall apply as depicted in Figure 18.52.070.A.1.

B. The components of the design standards shall apply as follows: (X=design component required under the specified standard)

Design Standard	Standard 1	Standard 2	Standard 3
Article II. Site Design - Standards for All Uses			
18.52.100 Pedestrian walkways	X	X	X
18.52.110 Northwest Quadrant circulation plan	X ¹		
18.52.120 Public spaces and plazas	X		X
18.52.130 Furnishings	X		X
18.52.140 Site lighting	X	X	X
18.52.150 Building location/setbacks (for commercial/mixed use buildings)	X	X	X
18.52.160 Building setbacks (for residential/primarily residential uses)	X		X
18.52.170 Surface parking lot location	X	X	X
18.52.180 Parking lot screening	X	X	X
18.52.190 Location of driveways	X	X	X
18.52.200 Outdoor service and storage areas	X	X	X
Article III. Building Design – Standards for All Uses			
18.52.210 Corner features	X	X	X
18.52.220 Roof form	X	X	X
18.52.230 Structured parking	X	X	X



VIIB.

Review of Proposed Amendments to Development Regulations Including Title 17

18.52.240	Blank wall and side wall screening	X	X ²	X
18.52.250	Pedestrian bridges	X	X	
Article IV. <i>Building Design – Standards for Commercial/Mixed Use Buildings</i>				
18.52.260	Visible building entrances	X	X	X
18.52.270	Ground floor facades	X		X
18.52.280	Ground floor transparency and visibility	X		X
18.52.290	Weather protection	X		
18.52.300	Building materials	X	X	X
18.52.310	Upper level stepbacks, mass, and bulk	X	X	X
Article V. <i>Building Design – Standards for Residential/Primary Residential Uses</i>				
18.52.320	Primary residential entrances	X	X	X
18.52.330	Building mass and bulk	X	X	X
18.52.340	Materials	X	X	X
18.52.350	Windows	X	X	X

¹ Applicable to the portion of the downtown identified in the Northwest Quadrant Circulation Plan.

² Subsections (A)(1), (3) and (4) of this section only.

C. In the event of conflict between the downtown design standards and any other applicable code, the *city manager* shall determine the appropriate application of the conflicting codes, recognizing the need to protect public health, safety, and welfare, any specific interpretation criteria, as well as furtherance of the intent of the comprehensive plan and these downtown design standards.

D. The following categories of improvements shall comply with applicable design standards:

1. New construction;
2. Exterior remodels of existing *structures*;
3. Parking reconfigurations;
4. *Building* expansions.

E. The following categories of improvements are exempt from applicable design standards:

1. Re-roofing that does not modify the roof structure;
2. Repainting;
3. Interior remodels;
4. Mechanical equipment replacement;
5. Parking lot pavement patching, or stall repainting that does not involve reconfiguration;
6. Normal maintenance or minor repair;
7. Any activity in which the total cost or fair market value (whichever is higher) of labor and materials combined does not exceed \$15,000; provided, that the improvement does not involve priority standards listed in subsection (B)(7) of this section. This cost/fair market value figure shall be adjusted upward by five percent annually to address a cost of living increase; provided, that within a three-year period, if the total \$15,000 amount is exceeded, future improvements shall be subject to applicable design standards.

F. The degree to which each standard applies to a redevelopment project shall be evaluated on a case-by-case basis in an effort to achieve an overall design which meets the purpose and intent of the downtown design standards. In determining the degree of applicability, the *city manager* shall give priority to design standards which address *building* placement, parking standards, window/door treatments, and *first floor facades*.

G. For proposed existing *structure* exterior remodels, or existing *structure* expansions, parking reconfigurations, or other activities subject to design standards that are less than new construction, the *city manager* shall determine the extent of compliance with the design standards as appropriate to recognize current conditions and further the intent of the downtown design standards. The required design or development standards shall be related to the improvement proposed. For example, if a parking reconfiguration is proposed, the required design standards should address *pedestrian walkways* between parking lots and building entrances or parking lot screening; or if a building entrance is modified, visible building entrance requirements should be applied.

18.52.075**Design Review Process.**

A. Applications subject to design review shall be reviewed and processed following the permit procedures for the primary permit application(s) consistent with Chapter 19.25 KMC. [Ord. 08-0293 § 2; Ord. 07-0275 § 2; Ord. 07-0267 § 4; Ord. 03-0176 § 1.]

B. Design Departure. The *city manager* may grant approval to depart from strict adherence to the design regulations for new construction/*development* if:

1. The proposal results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
2. The departure will not have any substantial detrimental effect on nearby properties and the *city* or the neighborhood.

Article II. Site Design – Standards for All Uses**18.52.100****Pedestrian walkways.****A. Intent.**

1. Pedestrian Network. To create on-site pedestrian networks from *streets* and drives to building entrances, through parking lots to connect *buildings* to the *street* (see surface parking location standards), and between *sites*.

2. Through Block Connections. To create through block connections between blocks of *development*, between *streets*, and connecting *streets* to *public spaces*.

B. Standards – Required.

1. Locations. Clear and visible *pedestrian walkways* shall be provided in the following locations:

a. Through Block Connections.

(1) Northwest Quadrant. If the property abuts a proposed pedestrian route designated in the Northwest Quadrant circulation plan, KMC 18.52.110. In areas not identified on the circulation plan, one *pedestrian walkway* shall be provided for an average of every 300 feet or less of *street frontages* in the north-south and east-west directions to create a linked *pedestrian walkway* system around and through the Northwest Quadrant. Distances may vary from exactly 300 feet to accommodate linking adjacent *development* on a case-by-case basis.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

(2) Northeast Quadrant. In the Northeast Quadrant, one *pedestrian walkway* shall be provided between the north and south end of the property, spaced an average of every 300 feet or less of *street frontages*. The walkway must connect with walkways located on other properties established in accordance with this condition. Distances may vary from exactly 300 feet to accommodate linking adjacent *developments* on a case-by-case basis. The comprehensive plan downtown circulation concept shall be a general guide to priority pedestrian links.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

b. *Street* to Building Entrances. Between a public right-of-way and building entrances where the *building* is set back from the *street*, sidewalk, or parking area.

c. Parking Lots to Building Entrances. Between parking lots and building entrances.

d. *Building* to *Building*. Between *buildings* where multiple *structures* are a part of a single *development* project.

e. As identified on the Northwest Quadrant circulation plan, which is located in KMC 18.52.110.

2. Minimum/Average Width.

a. For *buildings* up to three stories in height, *pedestrian walkways* shall be a minimum of four feet wide with a minimum average width of six feet. The minimum/average walkway width does not include additional areas which may be required for *landscaping* or *site* furnishings.

b. For *buildings* greater than three stories in height, one of the following shall be used:

(1) A minimum of eight feet wide with a minimum average width of 12 feet. The minimum/average walkway width does not include additional areas which may be required for *landscaping* or *site* furnishings.

(2) *Building* walls above three stories in height shall be stepped back from the first three stories by 10 feet. (See *building* locations/*setbacks*, KMC 18.52.150 and 18.52.160.)

3. Lines of Sight. Locate walkways with clear sight lines for safety. Landscaping and site furnishings in the walkway shall not obstruct visibility of the walkway or sight lines to building entrances.

4. Clearly Defined Walkways. Define all *pedestrian walkways* using a combination of one or more of the following techniques:

a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material. Not all portions of the *pedestrian walkway* are required to be paved; however, a minimum of 60 percent of the *pedestrian walkway* shall provide an all-weather walking surface;

b. Architectural Features. Trellises, railing, low seat walls, *weather protection*, bollards, or other architectural features. Chain link *fences* are not allowed;

c. Landscaped Edges. A continuous, landscaped area a minimum of three feet wide flanking at least one side of the *pedestrian walkway*. *Landscaping* shall meet the city's *landscaping* requirements. In the case of through block connections, this subsection (B)(4)(c) shall apply in all cases, in addition to either subsection (B)(4)(a) or (b) of this section.

5. Lighting. *Pedestrian walkways* shall include lighting such as pedestrian lights, bollards, and accent lighting to assist pedestrian navigation and promote a safe and comfortable walking space.

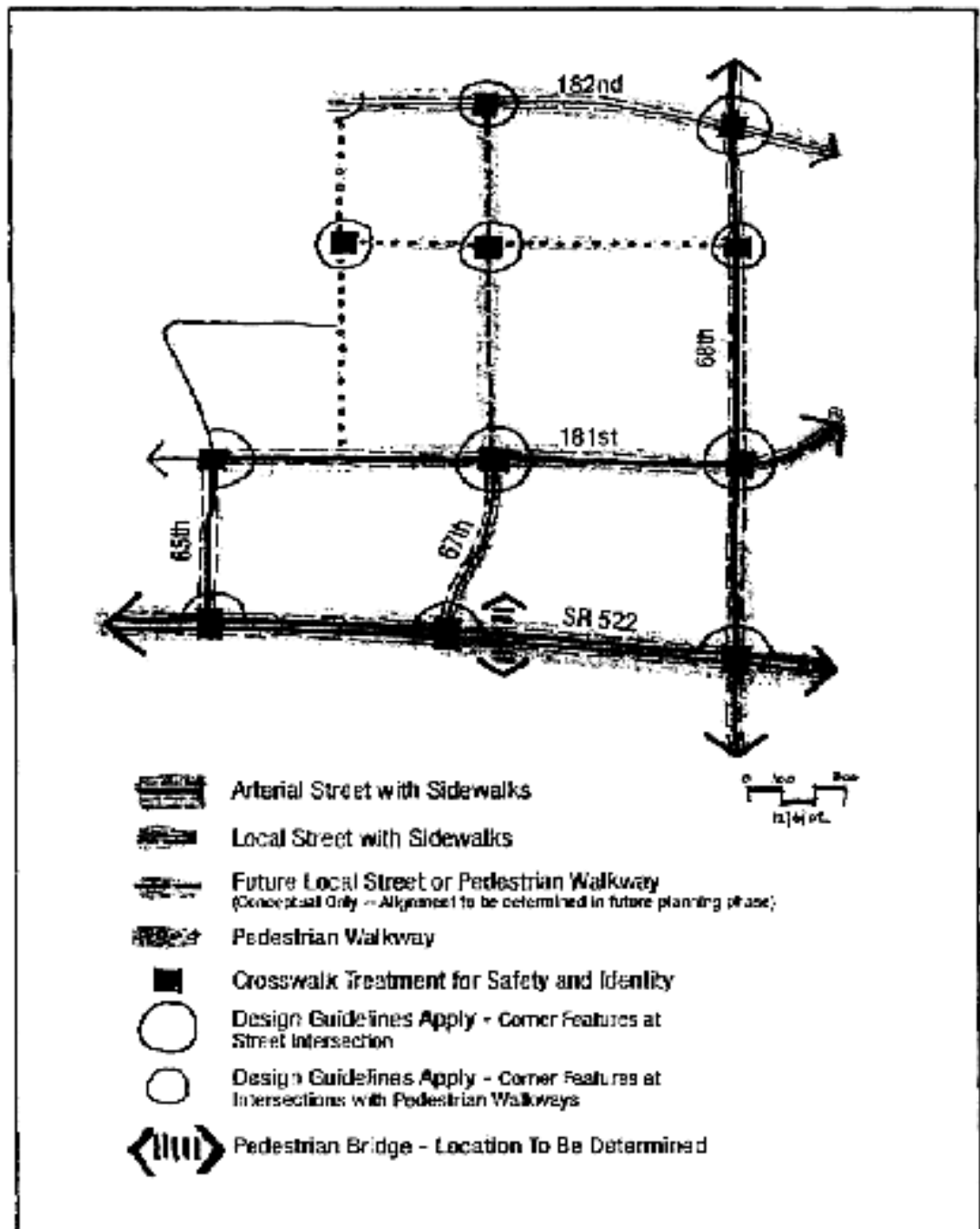
6. *Pedestrian Walkways* in Parking Lots. Where a walkway abuts or intersects a vehicular route (a driveway or driving aisle within a parking lot), *landscaping* shall be required consistent with subsection (B)(4)(c) of this section. If the walkway abuts a driveway or driving aisle on both sides, subsection (B)(4)(c) of this section shall apply to both sides.

C. Not Allowed.

1. Narrow breezeways between *buildings* without architectural embellishments or site furnishings shall not be allowed. [Ord. 03-0176 § 1.]

18.52.110

Northwest Quadrant circulation plan.



Notes: This map is intended for planning purposes only and is not guaranteed to show accurate measurement. Signals at pedestrian crossings will be evaluated on a case-by-case basis.

Source: Arai/Jackson Architects and Planners and Berger/ABAM Engineers.

[Ord. 03-0176 § 1.]

18.52.120

Public spaces and plazas.

A. Intent.

1. Comfortable and Usable *Public Space*. Create usable, accessible, and inviting *public open space* for pedestrians.

B. Standards – Required.

1. Access. *Public spaces* shall be visible and accessible to the public. All *public spaces* shall have pedestrian access from the primary public right-of-way or designated *pedestrian walkway*.

2. *Public Space Amenities*. *Public spaces* and plazas shall include at least one or more of each of the following elements (in subsections (B)(2)(a) through (c) of this section):

a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material.

b. Landscaping. *Trees*, shrubs, trellises, flowers, or container plants.

c. Seating Area. Benches, low seating walls. Four linear feet or at least one seat per 60 square feet of plaza area or open space.

In addition to the requirements in subsections (B)(2)(a) through (c) of this section, *public spaces* and plazas shall also contain one or more of the following elements:

d. Public art, fountain, or sculpture;

e. Drinking fountain;

f. Gazebos or other covered/sheltered space;

g. Other elements which meet the intent of this section such as grade/elevation changes, historic markers, art elements, pools, or others.

3. Site Lighting. Use site lighting such as pedestrian lights, bollards, accent lighting, or *building-mounted* lighting to provide safe and comfortable *public spaces*. See site lighting standards, KMC 18.52.140.

4. Solar Access. Where feasible, locate *public spaces* and *courtyards* to maximize southern and western sun exposure. [Ord. 03-0176 § 1.]

18.52.130

Furnishings.

A. Intent.

1. Furnishings Add Comfort and Detail. To create inviting, pedestrian-friendly *public spaces* by incorporating site furnishings in plazas, *public spaces*, building entries, and in other pedestrian areas.

B. Standards – Required.

1. Durable Furnishings. Site furnishings (benches, tables, bicycle racks, bollards, trash receptacles) and pedestrian amenities shall be made of durable, vandal resistant, and weather resistant materials which do not retain rainwater.

2. Siting. Site furnishings shall be located in all required *public spaces* such as:

a. Plazas, *pedestrian walkways* and other pedestrian areas;

b. Where building *setbacks* are allowed to:

(1) Highlight building entrances (a minimum 3.5 feet recessed depth or greater than or equal to 16 square feet);

(2) Provide seating in a landscaped public area. Seating shall be provided at a ratio of four linear feet or at least one seat per 60 square feet of plaza area or open space.

3. Placement. Site furnishings shall not impede or block pedestrian access to plazas, open spaces, or building entrances.

4. Incorporate Site Furnishings. Use a combination of four or more site furnishings in required *public spaces*. Site furnishings include but are not limited to:

- a. Trash receptacles (required as one of the four site furnishings);
- b. Benches/seating;
- c. Tables;
- d. Bike racks;
- e. Drinking fountains;
- f. Pedestrian-scaled lighting (other than street lights in the public right-of-way);
- g. Public art;
- h. Container plants. [Ord. 03-0176 § 1.]

18.52.140**Site lighting.****A. Intent.**

- 1. Adequate Lighting Levels. To provide adequate lighting levels in pedestrian areas such as plazas, *pedestrian walkways*, parking areas, building entries, and other public areas.
- 2. Complement Street Lighting. To provide pedestrian-scaled, accent, and festival lighting to accompany street lighting.
- 3. Safety. To provide well-lit, comfortable, and safe pedestrian areas.
- 4. Minimize Night Glow. To ensure adequate lighting is confined to the project *site* and minimizes night glow and impacts to adjacent properties.

B. Standards – Required.

- 1. Light Pedestrian Areas. Use pedestrian-scaled lighting to define plazas, *courtyards*, *pedestrian walkways*, crosswalks, building entries, and other pedestrian areas. Pedestrian-scaled lighting includes but is not limited to:
 - a. Pedestrian lights (maximum 14-foot height);
 - b. Bollard lights;
 - c. Accent lighting.
- 2. Shielding. All site lighting shall be shielded and directed away from adjacent *buildings* to avoid glare and “night glow.” Site lighting will be reviewed on a project specific basis to ensure site lighting is directed onto the pedestrian area and away from adjacent *uses*. Site lighting review will address:
 - a. Footcandle illumination;
 - b. Optics;
 - c. Shielding techniques;
 - d. Consideration of adjacent *uses*, especially adjacent residential *buildings*.
- 3. Adequate Illumination. Site lighting shall be reviewed on a project specific basis to ensure pedestrian areas are adequately lit. Review considerations shall include:
 - a. Spacing;
 - b. Height of light fixture;
 - c. Shielding techniques.
- 4. Complementary Style. Site lighting shall complement and coordinate with other site furnishings used throughout the *site development* project and shall complement street lighting in the public right-of-way.
- 5. Light Special Areas. Use accent lighting at focal points such as building entrances, site entrances, public art, and landscape features. [Ord. 03-0176 § 1.]

18.52.150**Building location/setbacks (for commercial/mixed use buildings).****A. Intent.**

- 1. Retail Visibility. To ensure visibility of retail businesses, to establish active, lively uses along the sidewalk, and to encourage strolling in the downtown.

B. Standards – Required.

- 1. *Buildings* Close to Sidewalk. The majority of *buildings* shall be located directly abutting the sidewalk except where set back to highlight building entrances, plazas or to provide wider sidewalks, as follows:
 - a. Highlight Entrances. A minimum *setback* of four feet shall be allowed to highlight entrances or to provide wider sidewalks;

b. Landscaped Area. A maximum *setback* of up to 10 feet shall be allowed to provide seating in a landscaped public area (see KMC 18.52.100(B)(2)(b)(2));

c. Corner *Lots*. On corner *lots*, the *building* shall face the primary *street*; the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features;

d. Plazas at Corners. A maximum *setback* of up to 10 feet on corner *lots* shall be allowed to provide plaza space;

e. Multiple *buildings* in one *development*, or properties subject to compliance with KMC 18.52.170(B)(2), surface parking lot location *street frontage*. At least 55 percent of the *lot* frontage shall be occupied by the primary *building*. The remaining *buildings* and associated parking may be set back further from the *street*. In cases where the *development* is on a corner *lot*, the *building* shall abut the primary *street*; the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features;

f. Properties Fronting SR-522. Parcels fronting SR-522 shall be set back 10 feet from the right-of-way to allow for sidewalks, provided for all parcels fronting on the south side of SR-522 and zoned Regional Business, located east of 61st Avenue NE and west of 68th Avenue NE, the minimum *street setback* requirements shall be as follows:

(1) *Ground floors* shall maintain a minimum and maximum *setback* of 10 feet.

(2) For stories located below the *ground floor*, the minimum *setback* shall be 0 feet, and the maximum *setback* shall be 10 feet.

(3) For facades above the *ground floor* (minimum elevation of 15 feet above street level), the minimum *setback* at any one point shall be no less than five feet, and the maximum *setback* at any one point shall be no greater than 10 feet. The *setback* may be averaged between a minimum of five feet and a maximum of 10 feet for purposes of *modulation*, but shall not be less than or greater than the minimum or maximum *setbacks* at any one point;

g. Recessed entrances are allowed;

h. On-Street Parking. *Buildings* may be set back to a planned right-of-way boundary for the purposes of adding on-street parking. [Ord. 07-0267 § 7; Ord. 03-0176 § 1.]

18.52.160

Building setbacks (for residential/primarily residential uses).

A. Intent.

1. Pedestrian Orientation and Densities. To ensure pedestrian orientation and desired densities in downtown.

2. Transition and Buffer. To provide minor transition and buffer areas between *streets* and residences which can function as outdoor space.

B. Standards – Required.

1. *Buildings* Close to Sidewalk. A minimum six-foot *setback*, with an average *setback* of eight feet per *street frontage* shall be required of primary *structures* to allow for shallow, residential front yards. The minimum *setback* for garages, carports,

and paved parking shall be 10 feet. In the Northwest Quadrant, maximum *setbacks* for any *structures* shall be 10 feet.

2. Modulate *Street Facing Facades*. Use minor *modulation* techniques such as:

a. Recessed entries;

b. Landscaped gardens;

c. Plazas;

d. *Courtyards*.

3. Palette of Front Yard Transition Elements. Use two or more of the following elements to provide front yard transitions and create usable front yard space:

a. Steps;

b. Low *fences*;

c. Trellises;

d. Site furnishings;

e. Low hedges, *trees*, and landscaped borders;

f. Patios if a low *fence* or trellis is included for added privacy.

4. Palette of Entrance Elements. Provide entrance elements such as:
 - a. Gates;
 - b. Archways or arbors;
 - c. Walkway covers;
 - d. Special paving;
 - e. Pedestrian lighting. [Ord. 03-0176 § 1.]

18.52.170**Surface parking lot location.****A. Intent.**

1. Maintain Active *Street Frontage*. To maintain contiguous active pedestrian *street frontages* by avoiding parking lot siting along sidewalks and *street frontages*.

2. Impacts. To minimize visual impact of parking lots through screening where parking lots are unavoidable on *street frontages*.

B. Standards – Required.

1. Location of Parking Lots. For all new *development*, parking lots shall be located behind or to the side of *buildings*, or enclosed within or underneath the *building*. Parking lots shall be avoided along primary *street frontages*; on a corner *lot*, the primary entrance must be on one of the two *streets*, with the location determined on a case-by-case basis, evaluating access, volumes, adjacent *uses*, on-site and through-site circulation, and other fixed site features. The parking lot screening requirements in KMC 18.52.180 apply where a surface parking lot or portions of a surface parking lot abut a public right-of-way. Parking lots shall not be located between a public right-of-way and the *building* unless the following exceptions apply:

- a. No other feasible alternative exists; or
- b. The property has frontage on SR-522 and takes primary access from SR-522 as of May 8, 2003; and/or
- c. The *development* consists of multiple *buildings* in one *development* on a minimum of four acres;

In which case, the provisions of subsection (B)(2) of this section applies.

2. *Street Frontage*. Where consistent with the exceptions of subsection (B)(1) of this section, parking lots on *street frontages* shall be located between *buildings*, with no less than 55 percent of the property *street frontage* devoted to the *building facade*. The *street frontage* devoted to surface parking shall also be appropriately screened per the parking lot screening standards in KMC 18.52.180.

3. *Pedestrian Walkways*. Where a surface parking lot is located between the public right-of-way and the primary *building*, a *pedestrian walkway* shall be provided through the parking lot to connect the *building* to the *street* per the *pedestrian walkway* standards in KMC 18.52.100 and the development standards of KMC 18.40.100(C). [Ord. 03-0176 § 1.]

18.52.180**Parking lot screening.****A. Intent.**

1. Reduce Visual Prominence. To reduce visual impact of parking lots through screening techniques.

B. Standards – Required.

1. Perimeter Screening. Where surface parking lots are adjacent to a public right-of-way, the parking lot shall provide a minimum 10-foot-wide planting strip between the parking lot and right(s)-of-way. Landscape requirements in the development standards design requirements, Chapters 18.50 and 18.35 KMC, also apply.

2. Screening Techniques. Year-round perimeter screening shall provide a visually impervious screen utilizing one or more of the following screening techniques:

a. Screen Walls. Low walls, opaque hedge walls, etc., shall be a minimum of three feet in height and maximum of four feet in height. Where screen walls are used, the 10-foot-wide planting strip requirement may be reduced by two feet.

b. Screen Wall Transparency. For screen walls taller than four feet in height, all elements above four feet shall be made of semitransparent materials, i.e., lattice walls, trellises, etc. Those portions of the screen wall taller than four feet in height shall be a minimum of 85 percent transparency (i.e., see-through railing, trellis, or similar treatment).

c. *Evergreen Shrubs*. Shrubs shall be maintained at a maximum four feet in height from the sidewalk to maintain visibility into the *site* for security/safety purposes. At planting, shrubs shall be a minimum two-gallon pot size or balled and burlapped equivalent.

d. *Trees*. A mixture of *evergreen* and *deciduous trees* and shrubs. At planting, *deciduous trees* shall be a minimum three-inch *caliper*. *Evergreen trees* shall be a minimum of six foot height to the uppermost branching point at planting.

e. *Wood Fences*. If a wood *fence* is used, the *fence* shall have decorative detailing at the top (i.e., trellis materials) and an eight-foot-wide planting strip. The requirements of subsection (B)(2)(b) of this section are also applicable.

3. Supporting Ground Cover. *Evergreen* ground cover, other than grass, shall be used in addition to the screening techniques identified above. A maximum of 45 percent of all ground cover required shall be dedicated to grass.

C. Not Allowed.

1. Plain *Fence*. Unadorned wood *fences* or chain link fencing are not allowed. [Ord. 03-0176 § 1.]

18.52.190

Location of driveways.

A. Intent.

1. Minimize Sidewalk Interruptions. To maintain continuous uninterrupted sidewalks by minimizing, consolidating, and eliminating driveways and promoting shared access to the extent possible.

B. Standards – Required.

1. Locate Driveways. Locate vehicular driveways on side *streets* and *alleys* unless the primary *street* is the only means of access to the *site*.

2. Parking Lot Entrances. Parking lot entrances shall be clearly identified with markers such as a trellis, monument, low wall, or landscaping.

3. Continuous Sidewalks. Extend sidewalk paving across driveway to maintain sidewalk continuity.

4. Kenmore Street Standards. Driveway locations shall satisfy the requirements of the current *city* adopted *street* standards. [Ord. 03-0176 § 1.]

18.52.200

Outdoor service and storage areas.

A. Intent.

1. Screening. To maintain design continuity by screening mechanical, service, and storage areas.

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, *outdoor storage*, trash/recycling containers, satellite dishes, accessory telecommunications devices, etc., shall be fully screened and shall not be visible from adjacent public *streets* or from views above from adjacent *buildings*. The Kenmore development standards and design requirements of KMC 18.30.250 also apply.

2. At-Grade Service Areas. At-grade storage areas such as *outdoor storage* and/or trash/recycling containers shall be screened from adjacent *streets* and public rights-of-way and from views above from adjacent *buildings*. Pedestrian-oriented trash receptacles along walkways and in *public spaces* are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round utilizing one or more of the following screening techniques:

a. *Fences* and Walls. Fencing and wall materials shall be integrated and compatible with the design of the *building* (i.e., use the *building's* materials on *fence* columns);

b. Adjacent to *Pedestrian Walkways*. Where an *outdoor storage* area is adjacent to a *pedestrian walkway*, *fences* installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;

c. *Evergreen Hedges* and Shrubs. *Landscaping* shall meet the *city's landscaping* requirements for Type I *landscaping*;

d. *Trees*. A mixture of *evergreen* and *deciduous trees*. *Landscaping* shall meet the *city's landscaping* requirements for Type I *landscaping*.

4. Mechanical Equipment. Locate mechanical equipment early in the design process to ensure integration with the *building* design. Roof-mounted mechanical equipment shall be grouped together, integrated into the *building* design, and thoroughly screened from view from the street level and above from adjacent *buildings*. Roof-mounted screening techniques include but are not limited to:

- a. Roof Treatment. Roof line designed to screen visibility of mechanical equipment from an adjacent public street(s);
- b. Paint. Paint mechanical equipment to match or approximate the color of the roof;
- c. Setbacks. Position mechanical equipment away from *building* edges. [Ord. 03-0176 § 1.]

Article III. Building Design – Standards for All Uses

18.52.210

Corner features.

A. Intent.

- 1. To ensure architectural interest and pedestrian-scaled detail in downtown.
- 2. To allow for comfortable pedestrian queuing space.

B. Standards – Required.

1. Locations Where Standards Apply. Corner features are required at locations specified on the Northwest Quadrant circulation map, KMC 18.52.110; outside of the Northwest Quadrant, corner features shall be provided when conditions in subsections (B)(2) and (3) of this section are present.

2. Corner Features for *Buildings* at Intersections Facing Two Streets.

a. Architectural Features. *Building* sides that face corners of public *streets* shall be treated architecturally to emphasize the corner location. Appropriate expressions include:

- i. Tower forms;
- ii. Prominent building entries;
- iii. Oversized window treatment;
- iv. Special rooflines;
- v. Plazas;
- vi. Other treatments which meet the intent of this standard.

b. *Building* Corner Setbacks. First floors of *building* corners facing intersections of two *streets* shall be set back 10 feet to accommodate pedestrian circulation. Columns are allowed in the *setback* area up to the size of a two-foot square footprint.

3. Corner Features for *Buildings* at Intersections of a *Street* and a *Pedestrian Walkway* and/or Two *Pedestrian Walkways*. Entrances to *pedestrian walkways* shall be visually emphasized by the use of two of the following elements:

- a. Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material which is different from the standard sidewalk material;
- b. Landscaping. *Trees*, shrubs, trellises, flowers, or container plants;
- c. Seating Area. Benches, low seating walls;
- d. Site lighting;
- e. *City* signage. [Ord. 03-0176 § 1.]

18.52.220

Roof form.

A. Intent.

- 1. Distinctive Profiles. To ensure that roof forms provide distinctive profiles and visual interest.
- 2. Express Base and Top. To provide details which break *buildings* into distinct visible elements of base and top (see upper level setbacks, mass and bulk standards in KMC 18.52.310 for details regarding *building modulation* and *articulation*).

B. Standards – Required.

1. Commercial *Buildings*. Commercial *buildings* shall use one of the following elements to create a prominent edge:

- a. Extended parapets;

- b. Projecting cornices;
 - c. Pitched or sloped roofs;
 - d. Decorative molding if greater than or equal to 10 inches wide.
2. Predominantly Residential *Buildings*. *Buildings* which contain predominantly residential *uses* shall use the following elements to break up the massiveness of an uninterrupted flat roof:
- a. Dormers;
 - b. Pitched roofs;
 - c. Stepbacks;
 - d. Roof gardens;
 - e. Cornices;
 - f. Parapets; and
 - g. Intersecting roof forms.
- These types of roof treatments shall be determined at the discretion of the *city manager*.
- C. Not Allowed.
1. Flat, Unadorned Roofs. Flat roofs without architectural embellishments are not allowed on *buildings* in the downtown. [Ord. 03-0176 § 1.]

18.52.230**Structured parking.**

- A. Intent.
- 1. Visually Integrated. To visually integrate parking garages with other downtown *uses* through active *ground floor uses*, and the use of architectural treatments, such as materials, treatments of openings, and *human-scaled facade elements*.
 - 2. Garage Elevations. To ensure that parking garage facades facing public rights-of-way screen cars from view and resemble commercial, office, civic, and mixed use building elevations.
- B. Standards – Required.
- 1. Retail Frontage Along *Streets*. Parking structures shall provide retail usages for at least 50 percent of the first floor *street frontages* (*sites* fronting 182nd excepted).
 - 2. Treatments in Nonretail Areas. Portions of ground level facade not occupied by retail *uses* shall integrate one or more of the following into the ground level facade:
 - a. Ornamental grillwork (other than plain horizontal or vertical bars);
 - b. Decorative artwork (metal panels, ceramic, mosaics, etc.);
 - c. Display windows for events;
 - d. Brick, tile, or stone;
 - e. Pre-cast panels;
 - f. Wood paneling;
 - g. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240;
 - h. Other treatments which meet the intent of these standards.
 - 3. Opening Size. The maximum size of window and facade openings shall be 64 square feet (excluding driveway/parking garage entry). The window/facade openings shall be treated further with minimum 24-inch mullions to prevent large openings in the parking garage facade.
 - 4. Treatments in Primarily Residential Areas. Ground level facade treatments for residential parking garages shall integrate one or more of the following:
 - a. Ornamental grillwork (other than plain horizontal or vertical bars);
 - b. Decorative artwork (metal panels, ceramic, mosaics, etc.);
 - c. Brick, tile, or stone;
 - d. Pre-cast panels;
 - e. Wood paneling;
 - f. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240.
 - 5. Facade *Articulation*. At least two of the following elements shall be incorporated into parking garage facades to articulate the facade and provide *human-scaled architectural elements*:
 - a. Piers or pilasters;

- b. Recessed window openings;
- c. Window sills and details;
- d. Masonry trim;
- e. Accent materials;
- f. Tile, stone, or pre-cast panels;
- g. Other treatments which provide facade *articulation*.

6. *Architectural Elements* in Vehicular Entrances. Vehicular entrances to structured parking shall incorporate two of the following elements into the design:

- a. Arches;
- b. Lintels;
- c. Piers or pilasters;
- d. Masonry trim;
- e. Planters;
- f. Ornamental lighting;
- g. Tile, stone, or pre-cast panels.

7. *Townhouse* Units. Each unit shall have an individual garage, enclosed under the living spaces. Such garage shall be located on a different facade from the main entry of the unit.

C. Not Allowed.

- 1. Plain Concrete Facades. Plain, unadorned, or smooth concrete facades are not allowed.
- 2. Horizontal or Vertical Bars. Unadorned horizontal or vertical bars are not allowed in parking garage window openings. [Ord. 03-0176 § 1.]

18.52.240

Blank wall and side wall screening.

A. Intent.

1. Continuity of Visual Interest. To ensure that all sides of a *building* in the *public view* have visual interest and continuity of pedestrian-oriented building scale.

B. Standards – Required.

1. Architectural Treatments for Visible *Building* Sides. All sides of *buildings* visible from a public right-of-way shall be treated with two or more of the following elements:

- a. Visible rooflines (i.e., cornices, extended parapets, pitched/sloped roofs, decorative molding, etc.);
- b. Windows;
- c. Secondary entrances;
- d. Balconies;
- e. Awnings;
- f. Oversized window treatments;
- g. Other architectural details which meet the intent of this standard.

2. Detailed Walls Required. *Ground floor* walls (including *retaining walls*) within *public view* shall have architectural detail such as windows, doors, reveals, and other architectural features as described in the *building* design section of these standards. A wall is considered a *blank wall* if:

- a. A *ground floor* wall or portion of a *ground floor* wall over six feet in height that has a horizontal length greater than 15 feet and does not include architectural detailing; or
- b. Any portion of a *ground floor* wall having a surface area of 400 square feet or greater.

3. *Blank Wall* Screening. Where a *blank wall* within the *public view* is unavoidable due to Uniform Building Code regulations (such as where a side *building* wall abuts a property line), *blank walls* shall be treated with two or more of the following:

- a. *Vegetation*, including *trees*, shrubs, *evergreen* ground cover (in conjunction with other landscaping) or vines adjacent to the *blank wall* surface;
- b. Trellis vine panels;
- c. Architectural detailing such as reveals, contrasting materials, or other special detailing which meet the intent of this standard.

Due to the many potential site-specific conditions which could occur, blank/side wall treatment shall be subject to the *city manager's* discretion and approval.

C. Not Allowed.

1. Murals. Murals shall not be permitted pending the completion of *city* standards addressing appropriate allowances, criteria, and locations. [Ord. 03-0176 § 1.]

18.52.250

Pedestrian bridges.

A. Intent.

1. Active and Accessible. Locate pedestrian bridge(s) in active places which are accessible at all hours and promote safe passage over major roadways.

2. Unique Architectural Qualities. To develop unique and inviting pedestrian bridges as key gateway features which are integrated with *buildings* at bridge ends.

B. Standards – Required.

1. Locate Bridge Ends in Active *Buildings* and Places. Locate bridge ends in active, publicly accessible *buildings* or places which are accessible and secure at all hours.

2. *Building* and Landscape Treatments. Pedestrian bridges shall be designed as unique *structures* which serve as a key gateway feature to the downtown.

3. Integration with End *Structures*. The appearance, materials, and style of pedestrian bridges shall be architecturally integrated with the end *structures* or places.

4. *Weather Protection*. *Weather protection*, in the form of a roof or canopy structure, shall be provided over the entire length of pedestrian bridges. [Ord. 03-0176 § 1.]

Article V. Building Design – Standards for Commercial/Mixed Use Buildings

18.52.260

Visible building entrances.

A. Intent.

1. Visible and Welcoming Entrances. To make major building entrances obvious and welcoming.

B. Standards – Required.

1. Visual Prominence. The primary building entrance shall be made visibly prominent utilizing a minimum of five of the architectural treatments listed below. At least one element shall be selected from each of the categories listed below (i.e., at least one element from subsections (B)(1)(a), (b) and (c) of this section).

a. Facade Features.

- i. Recess;
- ii. Canopies;
- iii. Trellis;
- iv. Porticos;
- v. Porches.

b. Doorway Features.

- i. Clerestory;
- ii. Transom windows;
- iii. Glass windows flanking door;
- iv. Large entry doors;
- v. Ornamental lighting;
- vi. Lit displays.

c. Detail Features.

- i. Special entry paving;
- ii. Ornamental building name or address;
- iii. Planters or pots of flowers;
- iv. Seating.

2. *Weather Protection*. Provide some form of *weather protection* at building entrances such as a canopy, marquee, or awning. This feature may be combined with the methods used above to achieve visual building entry prominence. [Ord. 03-0176 § 1.]

18.52.270**Ground floor facades.****A. Intent.**

1. Visual Interest in Ground Level Activities. To visually and architecturally express ground level activities which promote the pedestrian environment.

B. Standards – Required.

1. Architectural Treatments and Details. Commercial *building facades* facing *streets* shall incorporate at least two elements from each of the following categories, with a minimum of five total treatments required:

a. Palette of Window Treatments.

- i. Large storefront windows above kickplates;
- ii. Clerestory windows;
- iii. Recessed windows;
- iv. Mullions.

b. Palette of Facade Treatments.

- i. Lighting or baskets supported by ornamental brackets;
- ii. Medallions;
- iii. Belt courses;
- iv. Plinths for columns;
- v. Piers or pilasters;
- vi. Projecting sills;
- vii. Tilework;
- viii. Stone or concrete masonry;
- ix. Pedestrian-scaled *signs*;
- x. Planter boxes; or
- xi. Other architectural treatments which meet the intent of this standard. [Ord. 03-0176 § 1.]

18.52.280**Ground floor transparency and visibility.****A. Intent.**

1. Visual Interest in Ground Level Activities. To visually and architecturally express ground level activities which contribute to the pedestrian environment.

2. Visibility into *Buildings*. To provide visibility into *buildings* and from *buildings* out to the sidewalks.

B. Standards – Required.

1. Clear Glass Windows. A minimum of 50 percent of the *ground floor* facade of commercial *buildings* fronting public *streets* shall be comprised of windows. The façade shall be measured from the ground to the projected interior ceiling height.

2. Film. Film may be applied to windows to provide shade and for energy efficiency provided full transparency and visibility is maintained into the *building* from the sidewalk.

3. Visible Light Transmittance. Windows shall have a minimum 50 percent visible light transmittance.

C. Not Allowed.

1. Reflective Glass or Film. Reflective glass and/or reflective film which diminish transparency are not allowed. [Ord. 03-0176 § 1.]

18.52.290**Weather protection.****A. Intent.**

1. *Weather Protection*. To provide *weather protection* for pedestrians throughout downtown.

B. Standards – Required.

1. Canopies, *Arcades*, or Awnings. Canopies, *arcades*, or awnings shall be provided on commercial *building facades* facing *streets*. Dimensions shall provide a:

- a. Minimum canopy depth of five feet;
- b. Vertical height above the sidewalk and underside of canopy between eight and 10 feet;
- c. Minimum protection along 80 percent of the *building facade* facing a public right-of-way;
- d. If an *arcade* is proposed, the specific dimensions and length of the *arcade* will be negotiated on a case-by-case basis to ensure adequate light, air, and visibility through to *ground floor* windows and *building* entries from the *street*.

C. Not Allowed.

1. Internal or Backlit Canopies. Internal, backlit, or uplit canopies are prohibited. Downlighting is allowed to light sidewalk for pedestrians.

2. Awnings as Signage. Awnings shall not be used as primary signage, including use of print and backlighting. If awnings are used for signage, the drop edge of the awning/canopy shall not exceed 12 inches in height. In addition, the city's sign code requirements shall apply. [Ord. 03-0176 § 1.]

18.52.300

Building materials.

A. Intent.

1. To develop a visual downtown identity and to ensure that downtown *development* forms a cohesive visual whole over time. This shall be accomplished through the use of a primarily masonry materials palette.

2. To provide a materials palette which allows for individual and creative architectural expression in individual *development*.

B. Standards – Required.

1. Primary Materials Palette. Commercial and mixed use *buildings* shall be built with materials which will form a visually cohesive identity over time. Facades of commercial and commercial levels of mixed use *buildings* shall be primarily of the following masonry materials:

- a. Brick;
- b. Stone;
- c. Ceramic Tile. Alternate coursing with changes in color and/or texture is required with use of tile. Alternate coursing can be vertical, horizontal, or both;
- d. Split Face Alternate Course Concrete Masonry Units. Alternate coursing with changes in color and or texture is required with use of split face masonry units. Alternate coursing can be vertical, horizontal, or both;
- e. Stucco, if limited to a maximum 50 percent of total building surface area.

2. On any façade adjoining a public sidewalk, at the first two stories above the public sidewalk level, and at exposed stories below the public sidewalk level, primary materials must cover 85 percent of the opaque surfaces on any elevation. On other facades in the public view (from adjacent public *streets*, *pedestrian walkways*, or *public spaces*), primary materials must cover more than 50 percent of the opaque surfaces.

Exceptions:

a. Transparent glass may cover 75 percent of the first story of any one facade. Transparent glass may cover 40 percent of the second story of any one facade.

b. Where there are two front property lines, transparent glass may cover 75 percent of a second facade if the facade is within 15 feet of the property line.

3. Residential Floors, Mixed Use *Buildings*. Nonmasonry materials may be used as a primary material in the residential portions of mixed use *buildings* subject to any applicable restrictions in this section.

4. Vinyl Siding. Vinyl siding is only permitted on floors three and above, and shall not exceed 15 percent of the total building surface area of those floors.

C. Not Allowed.

1. Plain Faced and/or Uncolored Concrete Masonry Units. Plain faced and/or uncolored concrete masonry units shall not cover an area greater than five percent of any facade.

2. Siding Materials Not Allowed. The following siding materials are not allowed on any *building facade*:

- a. Asphalt siding;
- b. Aluminum lap siding;

- c. Siding grade plywood. [Ord. 03-0176 § 1.]

18.52.310**Upper level setbacks, mass, and bulk.****A. Intent.**

1. Develop Pedestrian Scale. To ensure that multiple-storied *building facades* do not overwhelm the pedestrian orientation and scale of downtown.

B. Standards – Required. A minimum of two of the following techniques shall be applied to facades visible from public rights-of-way and *public spaces* to minimize the apparent bulk and mass of a *building*:

1. Step Back *Buildings* Over Two Stories. *Buildings* above two stories in height shall step back the upper stories as follows:

- a. Stepbacks above two stories shall be a minimum of six feet from the first two floors;
- b. A second, minimum six-foot stepback shall be made above four stories;
- c. Evident Decrease in Bulk. Stepbacks need not be continuous and uniform across the entire facade as long as bulk is visually decreased.

2. Horizontal *Building Modulation*. Use bays, recesses, and building projections to provide variations in large facades.

- a. The maximum horizontal length without *building modulation* shall be 100 feet.

- b. *Modulation* Depth. The minimum *modulation* depth shall be six feet.

3. Modulated Roof Line. Provide breaks in the roofline by alternating stepped roofs, gables, dormers, etc. (see roof form standards, KMC 18.52.220).

4. *Articulation*. *Building articulation* with at least one of the following *architectural elements*:

- a. Change in materials or color with a change in *building* plane;
- b. Decks and Balconies. Decks, terraces, and balconies are encouraged but not required, and may be roofed

or open;

- c. Bay windows;

- d. Repeat distinctive window patterns at horizontal *modulation* intervals.

5. Other Treatments. Other architectural treatments which meet the intent of this standard.

C. Exceptions.

1. Stairs, Corner Features, and Other Architectural Features. Stairs, corners, and other vertical architectural features are not required to step back. [Ord. 03-0176 § 1.]

Article V. Building Design – Standards for Residential/Primary Residential Uses**18.52.320****Primary residential entrances.**

(Applies to all multifamily residential *development* except *townhouses*).

A. Intent.

1. Active and Lively *Street*. To face residential entrances onto *streets* to create and maintain a lively and active downtown.

2. Safe and Welcoming Entry. To provide safe and welcoming *building* entries.

B. Standards – Required.

1. Visible Entrance. The primary building entrance shall be visible from the adjacent *street*.

2. Weatherproof Covering. All building entries shall have a weatherproof covering.

3. Secure and Direct Access. Primary building entries shall provide secure and direct access to lobbies, stairs, and elevators. Gated entries are not allowed.

4. Entrance Dimensions. The primary residential entrance shall be a minimum four feet deep and a width at least 50 percent wider than the entry doors.

5. Visual Prominence. The primary building entrance shall be made visibly prominent utilizing a minimum of five of the architectural treatments listed below. At least one element shall be selected from each of the categories listed below (i.e., at least one element from subsections (B)(5)(a), (b) and (c) of this section).

- a. Facade Features.

- i. Recess;
- ii. Overhangs;
- iii. Canopies;
- iv. Trellis;
- v. Porticos;
- vi. Porches.
- b. Doorway Features.
 - i. Clerestory;
 - ii. Transom windows;
 - iii. Glass windows flanking door;
 - iv. Large entry doors;
 - v. Ornamental lighting;
- c. Detail Features.
 - i. Special entry paving;
 - ii. Ornamental building name or address;
 - iii. Planters or pots of flowers;
 - iv. Seating. [Ord. 03-0176 § 1.]

18.52.330**Building mass and bulk.**

- A. Intent.
 - 1. Reduce Building Bulk with Smaller Architectural Components. To reduce the apparent bulk of *buildings* by breaking them down into smaller components which are consistent with the pedestrian scale of downtown.
 - 2. Visual Variety. To provide visual variety along *streets*.
- B. Standards – Required.
 - 1. Variations in Large Facades. Horizontal appearance facades longer than 25 feet in length shall be treated to reduce visual scale and bulk using two of the following:
 - a. Bays and recesses (bays and recesses shall be a minimum of three feet in depth and eight feet long. Wall variations shall extend from first floor to roof, excluding balconies, decks, and terraces);
 - b. Balconies, decks, and terraces;
 - c. Distinctive roof forms;
 - d. Window patterns;
 - e. Changes in materials;
 - f. Color differentiation;
 - g. Projections or overhangs;
 - h. Upper story stepbacks.
- C. Not Allowed.
 - 1. Flat *Blank Walls* Not Allowed. Flat *blank walls* are not allowed. See *blank wall* standards, KMC 18.52.240. [Ord. 03-0176 § 1.]

18.52.340**Materials.**

- A. Intent.
 - 1. Ensure Quality and Maintenance Over Time. To ensure a standard of quality and maintenance over time.
 - 2. Materials and Details that Reduce Bulk. To encourage the use of materials appropriate to residential *development* and details that reduce the visual bulk of larger *buildings*.
- B. Standards – Required.
 - 1. *Durable Materials* with Texture and Pattern. Exterior materials shall be durable and maintainable over time, including:
 - a. Materials with textures or patterns;
 - b. Materials which lend themselves to quality detailing and can be well maintained over time.
 - 2. Allowed Primary Materials.

a. Allowed primary materials include wood or masonry units (brick, stone, tile, or split face alternate course concrete);

b. Enamel panels, and precast concrete panels. If panel materials are used, each panel shall not exceed a maximum of nine square feet.

3. Vinyl Siding. Vinyl siding is only permitted on floors three and above, and shall not exceed 15 percent of the total building surface area of those floors.

C. Not Allowed.

1. Reflective Glass. Reflective glass is not allowed.

2. Siding Materials Not Allowed. The following siding materials are not allowed on any *building facade*:

a. Asphalt siding;

b. Aluminum lap siding;

c. Siding grade plywood. [Ord. 03-0176 § 1.]

18.52.350

Windows.

A. Intent.

1. Active and Lively *Street*. To face windows onto *streets* to create and maintain a lively and active downtown.

B. Standards – Required.

1. Transparent Windows. Transparent windows are required where *buildings* face *streets*.

2. Varied Window Sizes. Residential *buildings* shall be designed with varied window sizes and shape, including:

a. Varied shape, and number of panes;

b. Divided or mullioned windows if appropriate to style;

c. Cantilevered bay windows if appropriate to style and may project 18 inches into required stepback areas;

d. Recessed windows;

e. Visible and substantial trim;

f. Butt glazing is allowed.

3. Visible and Substantial Trim. Windows shall be surrounded with visible and substantial trim.

C. Not Allowed.

1. Two-Light Horizontal Sliding Windows. Horizontal sliding windows with two lights are not allowed. [Ord. 03-0176 § 1.]

Chapter 18.55

CRITICAL AREAS

Sections:

Article I. Purpose and General Provisions

- 18.55.010 Purpose and goals.
- 18.55.020 Authority.
- 18.55.030 Relationship to other regulations.
- 18.55.040 Administrative procedures.
- 18.55.050 Fees.
- 18.55.060 Severability.
- 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.
- 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

- 18.55.320 Performance standards – General requirements.
- 18.55.330 Performance standards – Mitigation requirements.

Article X. Streams – Designation and Rating

- 18.55.400 Designation and rating of streams.

Article XI. Streams – Additional Report Requirements

18.55.410 Critical areas report.

Article XII. Streams – Performance Standards

18.55.420 Performance standards – General.

18.55.430 Performance standards – Mitigation requirements.

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

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

18.55.510 Critical areas report.

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

18.55.520 Performance standards – General requirements.

18.55.530 Performance standards – Specific habitats.

Article XVI. Geologically Hazardous Areas – Designation

18.55.600 Purpose.

18.55.610 Designation of geologically hazardous areas.

18.55.620 Designation of specific hazard areas.

Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630 Critical areas report.

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640 Performance standards – General requirements.

18.55.650 Performance standards – Specific hazards.

Article XIX. Flood Hazard Areas

18.55.700 Flood hazard areas.

18.55.710 Flood fringe – Development standards and permitted alterations.

18.55.720 Zero-rise floodway – Development standards and permitted alterations.

18.55.730 FEMA floodway – Development standards and permitted alterations.

18.55.740 Flood hazard areas – Certification by engineer or surveyor.

18.55.750 Channel relocation and stream meander areas.

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 *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*.

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. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

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

C. 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.

D. 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 Elimination System (NPDES) permits). The *applicant* is responsible for complying with these requirements, apart from the process established in this chapter. [Ord. 06-0244 § 59 (Exh. 1).]

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 KMC 16.75. This shall include, but not be limited to, timing, permits, variances, exemptions, exceptions, appeals, and fees associated with applications covered by this chapter. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.060**Severability.**

If any permission of this chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, the remainder of this chapter and its application to other persons or circumstances is not affected. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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* as designated in KMC 18.55.400, Designation and rating of *streams*;
 3. Fish and wildlife habitats of importance designated in KMC 18.55.500, 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 18.55.700, *Flood hazard areas*.

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

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

1. On a *site* immediately adjoining a *critical area*;
2. A distance equal to or less than the required *critical area buffer* width and building *setback*;
3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;
4. A distance equal to or less than 900 feet from the closest nest of a heron rookery; or

5. Within the floodway, *floodplain* or channel migration zone. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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 *critical areas* located in the *city*:

1. *Wetlands and Streams*.
 - a. *City stream and wetland inventory*;
 - b. *King County critical areas map folio*.
2. *Fish and Wildlife Habitats of Importance*.

- a. Washington State Department of Fish and Wildlife *priority habitat* and species maps;
- b. Washington State Department of Natural Resources official water type reference maps, as amended;
- c. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington State Conservation Commission; and
- d. Washington State Department of Natural Resources state natural area preserves and natural resource conservation area maps.

3. *Geologically Hazardous Areas.*

- a. King County critical areas map folio, as modified by the *city*;
- b. U.S. Geological Survey landslide hazard and seismic hazard maps;
- c. Washington State Department of Natural Resources seismic hazard maps for Western Washington; and
- d. Washington State Department of Natural Resources slope stability maps.

4. *Flood Hazard Areas.*

- a. Federal Emergency Management Administration *flood insurance rate maps* and studies. [Ord. 06-0244 § 59 (Exh. 1).]

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*, when fencing will prevent future impacts to the habitat conservation area.

2. The *applicant* shall be required to install a permanent natural wood, split-rail *fence* around the *critical area* and *buffer*.

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. [Ord. 06-0244 § 59 (Exh. 1).]

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 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, 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*;

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. 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.

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.

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.170

Variances.

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 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 *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 *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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.200

Mitigation requirements.

A. The *applicant* shall avoid all impacts that degrade the *functions and values* of *critical areas*. 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*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.210

Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to *critical areas*. 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;

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; and/or

E. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation for individual actions may include a combination of the above measures. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

Within 30 days of installation of the approved *mitigation*, the *applicant* shall submit an affidavit 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*.

1. For *alterations* to *wetlands*, *streams*, and fish and wildlife habitat areas of importance 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:

- a. The historic structural and functional values shall be restored, including water quality and habitat functions;
- b. The historic soil types and configuration shall be replicated;
- c. 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
- d. 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 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. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.260**Critical area tracts.**

A. *Critical area tracts* shall be used in *development proposals* for subdivisions, short subdivisions, site plan reviews, and 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 *buffers*;
2. All *streams* and *buffers*;
3. All fish and wildlife habitat areas of importance;
4. *Geologically hazardous areas* and *buffers*, if applicable; and
5. All other lands to be protected from *alterations* as conditioned by project approval.

B. *Critical area tracts* shall be recorded on all documents of title of record for all affected *lots*.

C. *Critical area tracts* shall be designated on the face of the plat, short plat or recorded drawing in a format approved by the *city*. The designation shall include the following restriction:

1. An assurance that *native vegetation* will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and *erosion*, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
2. The right of the *city* to enforce the terms of the restriction.

D. The *city* shall determine at the *city's* discretion that any required *critical area tract* be dedicated to the *city*, held in an undivided interest by each owner of a building *lot* within the *development* with the ownership interest passing with the ownership of the *lot*, or held by an incorporated homeowner's association or other legal entity (such as a land trust, which assures the ownership, maintenance, and protection of the tract). [Ord. 06-0244 § 59 (Exh. 1).]

18.55.270**Building setbacks.**

Unless otherwise provided, *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. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

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. [Ord. 06-0244 § 59 (Exh. 1).]

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.

B. *Wetland* Ratings. *Wetlands* shall be rated using criteria outlined below:

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 are greater than 1,000 square feet in size.

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*.

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*. [Ord. 06-0244 § 59 (Exh. 1).]

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*. [Ord. 06-0244 § 59 (Exh. 1).]

Article IX. Wetlands – Performance Standards

18.55.320

Performance standards – General requirements.

A. Activities may only be permitted in a *wetland* or *wetland buffer* 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*.

B. Activities and *uses* shall be prohibited from *wetlands* and *wetland buffers*, except as provided for in this chapter.

C. Class 1 *Wetlands*. Activities and *uses* shall be prohibited from Class 1 *wetlands*, except as provided for in the public agency and utility exception or *reasonable use* exception sections of this chapter.

D. Class 2 and 3 *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*.

E. 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.

F. *Wetland Buffers*.

1. *Wetland buffers* shall be established as follows:

Wetland Type	Buffer Width (Feet)
Class 1	150
Class 2	100
Class 3	60

2. Measurement of *Wetland Buffers*. *Wetland buffers* shall be measured from the *wetland edge* as delineated and marked in the field using the 1997 Washington State Wetland Identification and Delineation Manual (Ecology).

3. 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*;
- 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.

4. Averaged or Reduced *Buffer Widths*. *Buffer widths* may be averaged or reduced if an *applicant* receives approval as provided in this section. An *applicant* may request either (1) *buffer averaging*, or (2) *buffer reduction with enhancement*. A combination of these two *buffer* modification approaches shall not be used.

a. *Wetland Buffer Width Averaging*. The *city manager* may allow averaging of the *wetland buffer width* in accordance with an approved *critical areas* report and the *best available science* on a case-by-case basis. Averaging of *buffer widths* may only be allowed where a *qualified professional biologist* demonstrates that:

(1) Additional protection to the *wetland* will be provided through implementation of a *buffer enhancement plan*;

(2) It will not reduce *wetland functions* or values;

(3) The *wetland* contains variations in sensitivity due to existing physical characteristics or the character of the *buffer* varies in slope, soils, or *vegetation*, and the *wetland* would benefit from a wider *buffer* in places and would not be adversely impacted by a narrower *buffer* in other places;

(4) The total area contained in the *buffer* after averaging is no less than that which would be contained within the standard *buffer*; and

(5) For Class 1 and 2 *wetlands*, the *buffer width* shall not be reduced by more than 20 percent in any one place. For Class 3 *wetlands*, the *buffer width* shall not be reduced to less than 50 feet in any one place.

b. *Buffer Reduction with Enhancement*. Standard *buffer widths* for *degraded wetland buffers* may be reduced through a combination of *buffer enhancement* and *low impact development* strategies. The *applicant* shall demonstrate that through enhancing the *buffer* and use of *low impact development* strategies the reduced *buffer* will function at a higher level than the standard *buffer*. *Buffers* may be reduced in the following manner according to *wetland type*:

Wetland Category	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
1	25 percent	112.5 feet
2	25 percent	75 feet
3	25 percent	45 feet

c. *Decisional Criteria*. Prior to approval of a reduced *buffer*, a *critical areas* application shall meet all of the decisional criteria listed below. A reduced *buffer* will be approved in a *degraded wetland buffer* only if:

(1) It will provide an overall improvement in water quality;

(2) It will provide an overall *enhancement* to fish, wildlife, or their habitat;

(3) It will provide a net improvement in drainage and/or stormwater detention capabilities;

(4) It will not lead to unstable earth conditions or create an *erosion hazard*;

(5) It will not be materially detrimental to any other property or the *city* as a whole; and

(6) All exposed areas are stabilized with *native vegetation*, as appropriate.

d. *Buffer Enhancement Plan*. As part of the *buffer reduction request*, the *applicant* shall submit a *buffer enhancement plan* prepared by a *qualified professional* and fund a review of the plan by the *city's wetland consultant*. The plan shall assess the habitat, water quality, stormwater detention, ground water recharge, shoreline protection, and *erosion* protection functions of the *buffer*; assess the effects of the proposed modification on those functions; and address the six criteria listed in subsection (F)(4)(c) of this section.

5. *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.

6. *Buffer Uses*. The following *uses* may be permitted within a *wetland buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *wetland*:

a. *Conservation and Restoration Activities*. Conservation or *restoration* activities aimed at protecting the soil, water, *vegetation*, or wildlife;

b. *Passive Recreation*. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1) Walkways and *trails*; provided, that those pathways that are generally parallel to the perimeter of the *wetland* shall be located in the outer 25 percent of the *buffer* area;

(2) Walkway and *trail* surfaces shall be made of pervious materials except that public multipurpose *trails* may be of impervious materials if they meet all other requirements, including water quality;

(3) Wildlife viewing *structures*; and

(4) Fishing access areas;

c. Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area of Class 2 and 3 *wetlands* only. All other surface water management facilities are not allowed within the *buffer* area.

7. Building *Setback*. A building *setback* from the *buffer* edge is required per KMC 18.55.270. [Ord. 06-0244 § 59 (Exh. 1).]

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 for Developing Freshwater Wetlands Mitigation Plans and Proposals, 1994, as revised.

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 *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, adjacent land uses, or on-site *buffers* or connectivity are inadequate;

2. Off-site *mitigation* has a greater likelihood of providing equal or improved *wetland functions* than the impacted *wetland*; and

3. Off-site locations shall be in the same *subdrainage basin* unless established regional or watershed goals for water quality, flood or conveyance, habitat or other *wetland functions* have been established and strongly justify location of *mitigation* at another *site*.

F. *Mitigation* Timing. Where feasible, *mitigation* or *restoration* projects shall be completed prior to activities that will disturb *wetlands*. In all other cases, *mitigation* shall be completed immediately following disturbance and prior to use or occupancy of the activity or *development*. Construction of *mitigation* projects shall be timed to reduce impacts to existing wildlife and flora.

G. *Mitigation* Ratios.

1. Acreage Replacement Ratios. The following ratios shall apply to creation or *restoration* that is *in-kind*, on-site, the same class, 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

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 ratios required for Class 1 and 2 *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.

H. *Wetlands Enhancement as Mitigation*.

1. Impacts to *wetlands* may be mitigated by *enhancement* of existing significantly degraded *wetlands*. *Applicants* proposing to enhance *wetlands* must produce a *critical areas* report that identifies how *enhancement* will increase the functions of the degraded *wetland* and how this increase will adequately mitigate for the loss of *wetland* area and function at the impact *site*. An *enhancement* proposal must also show whether existing *wetland functions* will be reduced by the *enhancement* actions.

2. At a minimum, *enhancement* acreage shall be double the acreage required for creation or *restoration*.

I. *Mitigation Banking*. The *city* may consider and approve *mitigation banking* as a form of compensatory *mitigation* for *wetland* impacts when the provisions of this chapter require *mitigation* and when it is clearly demonstrated that the use of a bank will provide equivalent or greater replacement of *critical area 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 Mitigation Banking Rule (Chapter 173-700 WAC) or as revised, and Chapter 90.84 RCW and the federal *mitigation banking* guidelines as outlined in the Federal Register Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain state and federal certification.

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. [Ord. 06-0244 § 59 (Exh. 1).]

Article X. Streams – Designation and Rating

18.55.400

Designation and rating of streams.

A. *Stream Classification*. *Streams* shall be designated Type 1, Type 2, Type 3, and Type 4 according to the criteria in this section.

1. Type 1 *streams* are those *streams* identified as “shorelines of the state” under Chapter 90.58 RCW, including the Sammamish River and the main stem of Swamp Creek.

2. Type 2 *streams* are those *streams* that are:

- a. Natural *streams* that have perennial (year-round) flow and are used by *salmonid* fish; or
- b. Natural *streams* that have intermittent flow and are used by *salmonid* fish.

3. Type 3 *streams* are those *streams* that are:

- a. Natural *streams* that have perennial flow and are used by fish other than *salmonids*; or
- b. Natural *streams* that have intermittent flow and are used by fish other than *salmonids*.

4. Type 4 *streams* are those natural *streams* with perennial or intermittent flow that are not used by fish.

B. *Ditches*. *Ditches* are artificial drainage features created in uplands through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. Purposeful creation must be demonstrated through documentation, photographs, statements and/or other evidence. *Ditches* are excluded from regulation as *streams*, unless they are used by fish. Drainage setbacks are required as per the city’s surface water runoff policy (Chapter 13.35 KMC). [Ord. 06-0244 § 59 (Exh. 1).]

Article XI. Streams – Additional Report Requirements

18.55.410

Critical areas report.

Requirements for *critical areas* reports for *streams* are available from the *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XII. Streams – Performance Standards

18.55.420

Performance standards – General.

A. Establishment of *Stream Buffers*. The establishment of *buffer* areas shall be required for all *development proposals* and activities in or adjacent to *streams*. The purpose of the *buffer* shall be to protect the integrity, function, and value of the *stream* and provide habitat for heron and other wildlife. *Buffers* shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the *stream*, and implementation of appropriate *erosion* and sedimentation controls. *Native vegetation* removal or disturbance is not allowed in established *buffers*.

Required *buffer* widths shall reflect the sensitivity of the *stream* or the risks associated with *development* and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the *critical area*.

B. *Stream Buffers*.

1. The following *buffers* are established for *streams* to protect *functions and values*, including heron habitat:

Stream Type	Buffer Width (Feet)
Type 1 and Little Swamp Creek	150
Type 2	100
Type 3	50

Stream Type	Buffer Width (Feet)
Type 4	25

2. Measurement of *Stream Buffers*. *Stream buffers* shall be measured perpendicularly from the *ordinary high water mark*.

3. Increased *Stream Buffer Widths*. The *city manager* shall require increased *buffer widths* in accordance with the recommendations of a *qualified professional* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *stream functions and values* based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

a. A larger *buffer* is needed to protect other *critical areas*;

b. The *buffer* has a slope greater than 30 percent or is susceptible to *erosion* and standard *erosion-control* measures will not prevent adverse impacts to the *stream*. The *buffer* should be measured from the toe of the slope. In such cases, the *buffer* shall be increased to include the slope or the standard *buffer* shall be drawn from the top of the slope, whichever provides greater protection.

4. *Buffer Reduction with Enhancement*. Standard *buffer widths* for degraded *buffers* may be reduced through a combination of *buffer enhancement* and *low impact development* strategies. The *applicant* shall demonstrate that through enhancing the *buffer* and use of *low impact development* strategies the reduced *buffer* will function at a higher level than the standard *buffer*. *Buffers* may be reduced in the following manner according to *stream type*:

Stream Type	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
Type 1 and Little Swamp Creek	25 percent	112.5 feet
Type 2	25 percent	75 feet
Type 3	25 percent	37.5 feet
Type 4	25 percent	18.75 feet

a. Prior to approval of a reduced *buffer*, a *critical areas* application shall meet all of the decisional criteria listed below. A reduced *buffer* will be approved in a degraded *stream 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.

b. 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 (B)(4)(a) of this section.

5. *Buffer Conditions Shall Be Maintained*. Except as otherwise specified or allowed in accordance with this chapter, *stream buffers* shall be retained in an undisturbed condition.

6. *Buffer Uses*. The following *uses* may be permitted within a *stream buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *stream*:

a. Conservation and *Restoration* Activities. Conservation or *restoration* activities aimed at protecting the soil, water, *vegetation*, or wildlife;

b. Passive Recreation. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1) Walkways and *trails*; provided, that those pathways that are generally parallel to the perimeter of the *stream* shall be located in the outer 25 percent of the *buffer* area;

(2) Walkway and *trail* surfaces shall be made of pervious materials except that public multipurpose *trails* may be of impervious materials if they meet all other requirements, including water quality;

(3) Wildlife viewing *structures*; and

(4) Fishing access areas.

c. Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area. All other surface water management facilities are not allowed within the *buffer* area.

7. Building *Setback*. A building *setback* is required from the edge of the *buffer* per KMC 18.55.270.

C. Stream Crossings. *Stream* crossings may be allowed and may encroach on the otherwise required *stream buffer* if:

1. All crossings use bridges or other construction techniques which do not disturb the *stream* bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type 2 or 3 *streams* if the *applicant* demonstrates that such methods and their implementation will pose no harm to the *stream* or inhibit migration of fish;

2. All crossings are constructed during the summer low flow and are timed to avoid *stream* disturbance during periods when use is critical to *salmonids*;

3. Crossings do not occur over *salmonid* spawning areas unless the *city* determines that no other possible crossing site exists;

4. Bridge piers or abutments are not placed within the *Federal Emergency Management Agency (FEMA)* floodway or below the *ordinary high water mark*;

5. Crossings do not diminish the flood-carrying capacity of the *stream*;

6. Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the *base flood* predicted by a civil engineer licensed by the state of Washington. Temporary bore pits to perform such crossings may be permitted within the *stream buffer* established in this chapter; and

7. Crossings are minimized and serve multiple purposes and properties whenever possible.

D. *Stream Relocations*.

1. *Stream* relocations may be allowed only for:

a. All *stream* types as part of a public project for which a public agency and utility exception is granted pursuant to this chapter; or

b. Type 3 or 4 *streams* for the purpose of enhancing resources in the *stream* if:

(1) Appropriate *floodplain* protection measures are used; and

c. The location occurs on-site except that relocation off-site may be allowed if the *applicant* demonstrates that any on-site relocation is impracticable, the *applicant* provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage *sub-basin* as the original *stream*.

2. For any relocation allowed by this section, the *applicant* shall demonstrate, based on information provided by a civil engineer and a qualified *biologist*, that:

a. The equivalent *base flood* storage volume and function will be maintained;

b. There will be no adverse impact to local ground water;

c. There will be no increase in velocity;

d. There will be no interbasin transfer of water;

e. There will be no increase in the sediment load;

f. There is an overall increase in habitat function and value for *salmonids* and other fish;

g. Requirements set out in the *mitigation* plan are met;

h. The relocation conforms to other applicable laws; and

i. All work will be carried out under the direct supervision of a qualified *biologist*.

E. *Stream Enhancement*. *Stream enhancement* not associated with any other *development proposal* may be allowed if accomplished according to a plan for its design, implementation, maintenance and *monitoring* prepared by a civil engineer and a qualified *biologist* and carried out under the direction of a qualified *biologist*.

F. *Minor Stream Restoration*. A minor *stream restoration* project for *fish habitat enhancement* may be allowed if:

1. The project results in an increase in *stream functions and values*;
2. The *restoration* is sponsored by a *public agency* with a mandate to do such work;
3. The *restoration* is not associated with *mitigation* of a specific *development proposal*;
4. The *restoration* is limited to removal of *nonnative vegetation* and *enhancement* of *riparian vegetation*, placement of rock weirs, log controls, spawning gravel and other specific *salmonid* habitat improvements;
5. The *restoration* only involves the use of hand labor and *light equipment*; or the use of helicopters, cranes, or aerial equipment which deliver supplies to the project *site*; provided, that they have no contact with *critical areas* or their *buffers*; and
6. The *restoration* is performed under the direction of a qualified *biologist*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.430

Performance standards – Mitigation requirements.

A. *Stream Mitigation*. *Mitigation* of adverse impacts to *riparian* habitat areas shall result in equivalent *functions and values* on a per function basis, be located as near to the *alteration* as feasible, and be located in the same *subdrainage basin* as the impacted habitat.

B. *Alternative Mitigation for Stream Areas*. The performance standards set forth in this section may be modified at the *city's* discretion if the *applicant* demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected *subdrainage basin* as a result of alternative *mitigation* measures. [Ord. 06-0244 § 59 (Exh. 1).]

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500

Designation of fish and wildlife habitats of importance.

A. Fish and wildlife habitats of importance are those habitat areas that meet any of the following criteria:

1. Documented presence of *species* listed by the federal government or the state of Washington as *endangered* or *threatened*; or
2. Heron rookeries or active nesting trees; or
3. Class 1 *wetlands* as defined in these regulations; or
4. Type 1 *streams* as defined in these regulations.
5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

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

C. The *city* may accept and consider nominations for habitat areas and *species* to be designated as fish and wildlife habitats of importance. Nominations will be accepted on an annual basis. Guidelines for nomination are available from the *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

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

18.55.510

Critical areas report.

Requirements for *critical areas* reports for fish and wildlife habitats of importance are available from the *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

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

18.55.520

Performance standards – General requirements.

A. Habitat Management Plan. A habitat management plan is required when the *priority habitats* and species maps or natural heritage program maps provided by the *city*, or other information, indicate the presence of areas with which critical *species* listed as *endangered* or *threatened* under federal or state law have a primary association.

1. All habitat management plans shall be prepared in consultation with the state Department of Fish and Wildlife. Habitat management plans for critical *species* listed as *endangered* or *threatened* shall be approved by the Department of Fish and Wildlife.

2. Habitat Management Plan Content Requirements. Based on the characteristics of the *site* and information submitted by the *applicant*, the *city manager* may require that all or a portion of the following be included in a habitat management plan:

a. A map drawn to scale or survey showing the following information:

(1) All lakes, ponds, *streams*, and *wetlands* on, or adjacent to, the subject property, including the name (if named), *ordinary high water mark* of each, and the *stream* type or *wetland* class consistent with this chapter.

(2) The location and description of the fish and wildlife habitats of importance on the subject property, as well as any potential fish and wildlife habitats of importance within 200 feet of the subject property as shown on maps maintained by the *city*.

(3) The location of any observed evidence of use by a listed *species*.

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

c. Provisions to reduce or eliminate the impact of the proposed *development* activities on any fish and wildlife habitats of importance and listed *species*.

d. The habitat management plan should also address the following issues:

(1) Prohibition or limitation of *development* activities within the fish and wildlife habitats of importance;

(2) Establishment of a *buffer* around the fish and wildlife habitat conservation area;

(3) Retention of certain *vegetation* or areas of *vegetation* critically important to the listed *species*;

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

(5) Seasonal restrictions on construction activities on the subject property;

(6) Clustering of *development* on the subject property; and

(7) The preservation or creation of a habitat area for the listed *species*.

B. *Alterations* shall not degrade the *functions and values* of habitat. Fish and wildlife habitat areas of importance may be altered only if the proposed *alteration* of the habitat or the *mitigation* proposed does not degrade the quantitative and qualitative *functions and values* of the habitat. All new *structures* and land *alterations* shall be prohibited from habitat areas of importance, except in accordance with this chapter.

C. *Nonindigenous* species shall not be introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a fish and wildlife habitat area of importance unless authorized by a state or federal permit or approval.

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

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

F. Approvals shall be supported by the *best available science*. Any approval of *alterations* or impacts to a fish and wildlife habitat of importance shall be supported by the *best available science*.

G. *Buffers*.

1. Establishment of *Buffers*. The *city manager* shall require the establishment of *buffer* areas for activities in, or adjacent to, fish and wildlife habitats of importance, when needed to protect fish and wildlife habitats of importance.

Buffers shall consist of an undisturbed area of *native vegetation*, or areas identified for *restoration*, established to protect the integrity, *functions and values* of the affected habitat. *Buffer enhancement* may be required. Required *buffer* widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife.

2. Seasonal Restrictions. When a *species* is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions, as determined by the Washington State Department of Fish and Wildlife, may apply. Larger *buffers* may be required and activities may be further restricted during the specified season. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.530

Performance standards – Specific habitats.

A. *Endangered, Threatened, and Sensitive Species.*

1. No *development* shall be allowed within a fish and wildlife habitat of importance or *buffer* with which state or federally *endangered, threatened*, or sensitive *species* have a primary association except as otherwise approved through this chapter, except that, for fish habitat of importance on lands regulated under the Kenmore Shoreline Master Program, development that meets the use and development requirements of the Kenmore Shoreline Master Program may be allowed.

2. Whenever activities are proposed adjacent to a fish and wildlife habitat of importance with which state or federally *endangered, threatened*, or sensitive *species* have a primary association, such area shall be protected through the application of protection measures in accordance with a *critical areas* report prepared by a *qualified professional* and approved by the *city*. Approval for *alteration* of land adjacent to the fish and wildlife habitat of importance or its *buffer* shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.

3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest territory or communal roost, a habitat management plan shall be developed by a *qualified professional*. Activities are adjacent to bald eagle sites when they are within 800 feet of an active nest, or within a quarter mile (2,640 feet) of an active nest and in a shoreline foraging area. The *city* shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the *city* and the Washington State Department of Fish and Wildlife.

B. Great Blue Heron Rookery.

1. A *buffer* equal to the distance of 900 feet radius measured from the outermost nest *tree* in the rookery will be established around an active rookery. This area will be maintained in *native vegetation*. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the *buffer* excludes the area south of the north edge of the State Route 522 right-of-way and west of the east edge of the 73rd Avenue NE right-of-way.

2. Between January 1st and July 31st, no *clearing, grading* or land disturbing activity shall be allowed within 900 feet of the rookery unless approved by the *city* and Washington State Department of Fish and Wildlife. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the area south of the north edge of the State Route 522 right-of-way and west of the east edge of 73rd Avenue NE right-of-way is excluded.

3. Approval of permits for activities within the heron rookery *buffer* shall not occur prior to the approval of a habitat management plan by the *city* and the Washington State Department of Fish and Wildlife.

C. *Anadromous Fish.*

1. All activities, *uses*, and *alterations* proposed to be located in water bodies used by *anadromous fish* or in areas that affect such water bodies shall give special consideration to the preservation and *enhancement* of *anadromous fish habitat*, including, but not limited to, adhering to the following standards:

- a. Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable *species*;
- b. An alternative alignment or location for the activity is not feasible;
- c. The activity is designed so that it will provide an overall improvement in the functions or values of the *fish habitat* or other *critical areas*; and

d. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved *critical areas* report.

2. Structures that prevent the migration of *salmonids* shall not be allowed in the portion of water bodies currently or historically used by *anadromous fish*. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized by the city's shoreline management master program, shall not adversely impact *anadromous fish* or their habitat or shall mitigate any *unavoidable impacts*, and shall only be allowed for a *water-dependent use*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVI. Geologically Hazardous Areas – Designation

18.55.600

Purpose.

The primary purpose of *geologically hazardous area* regulations is to avoid and minimize potential impacts to life and property from geologic hazards. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.610

Designation of geologically hazardous areas.

Geologically hazardous areas include areas susceptible to *erosion*, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible *development* is sited in areas of significant hazard. Such incompatible *development* may not only place itself at risk, but also may increase the hazard to surrounding *development* and *use*. Areas susceptible to one or more of the following types of hazards shall be designated as a *geologically hazardous area*:

A. *Erosion* hazard;

B. *Landslide* hazard;

C. Seismic hazard; and

D. Other geological events including *mass wasting*, *debris flows*, rock falls, and *differential settlement*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.620

Designation of specific hazard areas.

A. *Erosion Hazard Areas*. *Erosion hazard areas* are those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a special study as having a "moderate to severe," "severe," or "very severe" *erosion* potential.

B. *Landslide Hazard Areas*. *Landslide hazard areas* are areas potentially subject to *landslides* based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

1. Areas of historic failures, such as:

a. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site *development*; or

b. Areas designated as Quaternary slumps, earthflows, mudflows, or *landslides* on maps published by the U.S. Geological Survey or state Department of Natural Resources;

2. Areas with all three of the following characteristics:

a. Slopes steeper than 15 percent; and

b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying relatively impermeable sediment; and

c. Springs or ground water seepage.

3. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;

4. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

5. Areas potentially unstable because of rapid *stream* incision, stream bank *erosion*, and undercutting by wave action;

6. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by *debris flows* or catastrophic flooding; and

7. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing its toe and measured by averaging the inclination over at least 10 feet of vertical relief.

C. *Seismic Hazard Areas*. *Seismic hazard areas* are locations subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

1. The magnitude of an earthquake;
2. The distance from the source of an earthquake;
3. The type of thickness of geologic materials at the surface; and
4. The type of subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

D. Other Hazard Areas. *Geologically hazardous areas* shall also include areas determined by the *city manager* to be susceptible to other geological events including *mass wasting*, *debris flows*, and *differential settlement*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630

Critical areas report.

A *critical areas* report shall be required for all proposed *alterations* of properties that are located within 200 feet of any *geologically hazardous area*. Requirements for *critical areas* reports for *geologically hazardous areas* are available from the *city manager*. [Ord. 06-0244 § 59 (Exh. 1).]

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640

Performance standards – General requirements.

A. *Alterations of geologically hazardous areas* or associated *buffers* may only occur for activities that:

1. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;
2. Will not adversely impact other *critical areas*;
3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
4. Are certified as safe as designed and under anticipated conditions by a qualified engineer or *geologist* licensed in the state of Washington.

B. *Critical Facilities* Prohibited. *Critical facilities* shall not be sited within *geologically hazardous areas* unless there is no other *practical alternative*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.650

Performance standards – Specific hazards.

A. *Erosion and Landslide Hazard Areas*. Activities on *sites* containing *erosion* or *landslide* hazards shall meet the following requirements:

1. *Buffer* Required for *Erosion Hazard Areas*. No *buffer* is required from an area categorized as only an *erosion hazard area*.

2. *Buffer* Required for *Landslide Hazard Areas*. A *buffer* shall be established from all edges of *landslide hazard areas*. The size of the *buffer* shall be determined by the *city manager* to eliminate or minimize the risk of property damage, death or injury resulting from *landslides* caused in whole or part by the *development*, based upon review of and concurrence with a *critical area* report prepared by a *qualified professional*.

a. *Minimum Buffer*. The minimum *buffer* shall be equal to the height of the slope, as measured from the toe to the top, or 50 feet, whichever is greater.

b. *Buffer Reduction*. The *buffer* may be reduced to a minimum of 10 feet when a *qualified professional* demonstrates to the *city manager's* satisfaction based upon review of a special study that the reduction will adequately protect the proposed *development*, adjacent *developments* and *uses* and the subject *critical area*.

c. *Increased Buffer*. The *buffer* may be increased where the *city manager* determines a larger *buffer* is necessary to prevent risk of damage to proposed and existing *development*.

d. *Building Setback*. A building *setback* is required from the edge of the *buffer* per KMC 18.55.270.

3. *Alterations*. *Alterations* of an *erosion hazard area* or a *landslide hazard area* and/or its *buffer* may only occur for activities for which a special study is submitted and certifies that:

a. The *alteration* will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;

b. The *alteration* will not decrease slope stability on adjacent properties; and

c. Such *alterations* will not adversely impact other *critical areas*.

4. *Design Standards*. *Alterations* within an *erosion hazard area*, or *landslide hazard area* and/or *buffer* shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

a. The proposed *development* shall not decrease the factor of safety for *landslide* occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;

b. *Structures* and improvements shall be clustered to avoid *geologically hazardous areas* and other *critical areas*;

c. *Structures* and improvements shall minimize *alterations* to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

d. *Structures* and improvements shall be located to preserve the most critical portion of the *site* and its natural landforms and *vegetation*;

e. The proposed *development* shall not result in greater risk or a need for increased *buffers* on neighboring properties;

f. The use of *retaining walls* that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

g. *Development* shall be designed to minimize impervious *lot* coverage.

5. *Vegetation Shall Be Retained*. Unless otherwise provided or as part of an approved *alteration*, removal of *vegetation* from an *erosion* or *landslide hazard area* or related *buffer* shall be prohibited.

6. *Seasonal Restriction*. *Clearing* shall be allowed only from May 1st to October 1st of each year; provided, that the *city* may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved *forest practice* permit issued by the *city* or the Department of Natural Resources.

7. *Utility Lines and Pipes*. Utility lines and pipes shall be permitted in *erosion* and *landslide hazard areas* only when the *applicant* demonstrates that no other *practical alternative* is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

8. *Point Discharges*. Point discharges from surface water facilities and roof drains onto or upstream from an *erosion* or *landslide hazard area* shall be prohibited except as follows:

a. Conveyed via continuous storm pipe downslope to a point where there are no *erosion hazard areas* downstream from the discharge;

b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed *buffer* demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

9. Subdivisions. The division of land in *landslide hazard areas* and associated *buffers* is subject to the following:

a. Land that is located wholly within a *landslide hazard area* or its *buffer* may not be subdivided. Land that is located partially within a *landslide hazard area* or its *buffer* may be divided; provided, that each resulting *lot* has sufficient buildable area outside of, and will not affect, the *landslide hazard* or its *buffer*; and

b. Access roads and utilities may be permitted within a *landslide hazard area* and associated *buffer* if the *city* determines that no other feasible alternative exists.

10. Prohibited *Development*. On-site sewage disposal systems, including drain fields, shall be prohibited within *landslide hazard areas* and related *buffers*.

11. Slopes Created by Previous *Grading*. Artificial slopes meeting the criteria of a *landslide hazard area* based on slope steepness and height that were created through previous permitted *grading* may be further altered or graded provided the applicant provides information from a *qualified professional* demonstrating that the naturally occurring slope, as it existed prior to the permitted *grading*, did not meet any of the criteria for a *landslide hazard area* and that a new hazard will not be created.

B. *Seismic Hazard Areas*. Activities proposed to be located in *seismic hazard areas* shall meet the standards of KMC 18.55.640, Performance standards – General requirements.

C. Other *Hazard Areas*. Activities on *sites* containing or adjacent to other *geologically hazardous areas* shall meet the standards of KMC 18.55.640, Performance standards – General requirements. [Ord. 06-0244 § 59 (Exh. 1).]

Article XIX. Flood Hazard Areas

18.55.700

Flood hazard areas.

A. *Flood hazard areas* consist of the following components:

1. *Floodplain*;
2. *Flood fringe*;
3. *Zero-rise floodway*; and
4. *Federal Emergency Management Agency (FEMA) floodway*.

B. The *city* shall determine the *flood hazard area* after obtaining, reviewing and utilizing *base flood elevations* and available floodway data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” The *base flood* is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by the *city*, in which case these future flow projections shall be used. In areas where the flood insurance study for the *city* includes detailed *base flood* calculations, those calculations may be used until projections of future flows are completed and approved by the *city*. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.710

Flood fringe – Development standards and permitted alterations.

Development proposals on *sites* within the *flood fringe* area shall meet the following requirements:

A. *Development proposals* shall not reduce the effective *base flood* storage volume of the *floodplain*. *Grading* or other activity which would reduce the effective storage volume shall be mitigated by creating *compensatory storage* on the *site* or off the *site* if legal arrangements can be made to assure that the effective *compensatory storage* volume will be preserved over time. *Grading* for construction of livestock manure storage facilities to control nonpoint source water pollution designed to the standards of and approved by the *city* is exempt from this *compensatory storage* requirement.

B. All elevated construction shall be designed and certified by a professional structural engineer licensed by the state of Washington and shall be approved by the *city* prior to construction.

C. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:

1. New building *lots* shall contain 5,000 square feet or more of buildable land outside the *zero-rise floodway*, and building *setback* areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

2. All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subsections (D), (E) and (H) of this section;

3. *Base flood* data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the *base flood elevation*, required *flood protection elevations* and the boundaries of the *floodplain* and the *zero-rise floodway*, if determined; and

4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected lots:

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

D. New residential *structures* and *substantial improvements* of existing residential *structures* shall meet the following requirements:

1. The lowest floor shall be elevated to the *flood protection elevation*;

2. Portions of a *structure* which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:

a. A minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;

3. Materials and methods which are resistant to and minimize flood damage shall be used; and

4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.

E. New nonresidential *structures* and *substantial improvements* of existing nonresidential *structures* shall meet the following requirements:

1. The elevation requirement for residential *structures* contained in subsection (D)(1) of this section shall be met; or

2. The *structure* shall be floodproofed to the *flood protection elevation* and shall meet the following requirements:

a. The *applicant* shall provide certification by a professional civil or structural engineer licensed by the state of Washington that the *floodproofing* methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the *base flood*. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications; and

b. Approved building permits for floodproofed nonresidential *structures* shall contain a statement notifying *applicants* that flood insurance premiums shall be based upon rates for *structures* which are one foot below the floodproofed level;

3. Materials and methods which are resistant to and minimize flood damage shall be used; and

4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.

F. All new construction shall be anchored to prevent flotation, collapse or lateral movement of the *structure*.

G. *Mobile homes* and *mobile home parks* shall meet the following requirements:

1. *Mobile homes* shall meet all requirements for flood hazard protection for residential *structures*, shall be anchored and shall be installed using methods and practices which minimize flood damage; and

2. No permit or approval for the following shall be granted unless all *mobile homes* within the *mobile home park* meet the requirements for flood hazard protection for residential *structures*:

a. A new *mobile home park*;

b. An expansion of an existing *mobile home park*; or

c. Any repair or reconstruction of *streets*, utilities or pads in an existing *mobile home park* which equals or exceeds 50 percent of the value of such *streets*, utilities or pads.

H. Utilities shall meet the following requirements:

1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the *flood protection elevation*;

2. New on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the *base flood elevation*. The installation of new on-site sewage disposal systems in the *flood fringe* may be allowed if no feasible alternative *site* is available;

3. Sewage and agricultural waste storage facilities shall be floodproofed to the *flood protection elevation*;

4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and

5. Buried utility transmission lines transporting *hazardous substances* shall be buried at a minimum depth of four feet below the maximum depth of scour for the *base flood*, as predicted by a professional civil engineer licensed by the state of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

I. *Critical facilities* may be allowed within the *flood fringe* of the *floodplain*, but only when no feasible alternative *site* is available. *Critical facilities* shall be evaluated through the *conditional* or *special use permit* process. *Critical facilities* constructed within the *flood fringe* shall have the lowest floor elevated to three or more feet above the *base flood elevation*. *Floodproofing* and sealing measures shall be taken to ensure that *hazardous substances* will not be displaced by or released into floodwaters. Access routes elevated to or above the *base flood elevation* shall be provided to all *critical facilities* from the nearest maintained public *street* or roadway.

J. Prior to approving any permit for alterations in the *flood fringe*, the *city* shall determine that all permits required by state or federal law have been obtained. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.720

Zero-rise floodway – Development standards and permitted alterations.

A. The requirements which apply to the *flood fringe* shall also apply to the *zero-rise floodway*. The more restrictive requirements shall apply where there is a conflict.

B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation* unless the following requirements are met:

1. Amendments to the *flood insurance rate map* are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the *base flood elevation*; and

2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

C. The following are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact:

1. New residential *structures* outside the *FEMA floodway* on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway* and which have a total building footprint of all proposed *structures* on the lot of less than 2,000 square feet;

2. *Substantial improvements* of existing residential *structures* in the *zero-rise floodway*, but outside the *FEMA floodway*, where the footprint is not increased; or

3. *Substantial improvements* of existing residential *structures* meeting the requirements for new residential *structures* in KMC 18.55.710.

D. Post or piling construction techniques which permit water flow beneath a *structure* shall be used.

E. All temporary *structures* or substances hazardous to public health, safety and welfare, except for *hazardous household substances* or consumer products containing *hazardous substances*, shall be removed from the *zero-rise floodway* during the flood season from September 30th to May 1st.

F. New residential *structures* or any *structure* accessory to a residential *use* shall meet the following requirements:

1. The *structures* shall be outside the *FEMA floodway*; and

2. The *structures* shall be on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway*.

G. Utilities may be allowed within the *zero-rise floodway* if the *city* determines that no feasible alternative *site* is available, subject to the following requirements:

1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by Seattle/King County public health; and
2. Construction of sewage treatment facilities shall be prohibited.

H. *Critical facilities* shall not be allowed within the *zero-rise floodway* except as provided in subsection (J) of this section.

I. Livestock manure storage facilities and associated nonpoint source water pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the *city* may be allowed if the *city* reviews and approves the location and design of the facilities.

J. *Structures* and installations which are dependent upon the floodway may be located in the floodway if the *development proposal* is approved by all agencies with jurisdiction. Such *structures* include, but are not limited to:

1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;
2. Flood damage reduction facilities, such as levees and pumping stations;
3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
4. Stormwater conveyance facilities subject to the development standards for *streams* and *wetlands* and the surface water design manual;
5. *Boat launches* and related recreation structures;
6. Bridge piers and abutments; and
7. Other fisheries enhancement or stream restoration projects. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.730

FEMA floodway – Development standards and permitted alterations.

A. The requirements which apply to the *zero-rise floodway* shall also apply to the *FEMA floodway*. The more restrictive requirements shall apply where there is a conflict.

B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation*.

C. New residential or nonresidential *structures* are prohibited within the *FEMA floodway*.

D. *Substantial improvements* of existing residential *structures* in the *FEMA floodway*, meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.740

Flood hazard areas – Certification by engineer or surveyor.

A. For all new *structures* or *substantial improvements* in a *flood hazard area*, the *applicant* shall provide certification by a professional civil engineer or land surveyor licensed by the state of Washington of:

1. The actual as-built elevation of the lowest floor, including *basement*; and
2. The actual as-built elevation to which the *structure* is floodproofed, if applicable.

B. The engineer or surveyor shall indicate if the *structure* has a *basement*.

C. The *city* shall maintain the certifications required by this section for public inspection. [Ord. 06-0244 § 59 (Exh. 1).]

18.55.750

Channel relocation and stream meander areas.

No *structure* shall be allowed which would be at risk due to channel relocation or stream meander until the promulgation of a public rule. [Ord. 06-0244 § 59 (Exh. 1).]

Chapter 18.57

TREE MANAGEMENT AND PROTECTION

Sections:

- 18.57.010 Title.
- 18.57.015 Findings and purpose.
- 18.57.030 Applicability.
- 18.57.035 Exemptions.
- 18.57.050 Tree protection plan required.
- 18.57.060 Tree density requirement.
- 18.57.070 Tree protection plan review procedure.
- 18.57.080 Tree protection plan review standards.
- 18.57.090 Tree protection during construction.
- 18.57.100 Post-construction replacement, financial guarantee and maintenance requirements.
- 18.57.110 Penalties, enforcement.

18.57.010**Title.**

This chapter shall be known and may be cited as the Kenmore tree management and protection code. [Ord. 04-0214 § 2.]

18.57.015**Findings and purpose.**

A. Reducing soil *erosion* and water pollution in the *city's streams* and creeks by providing wind breaks, slowing the surface movement of water, reducing the amount of stormwater runoff, and stabilizing soil with their roots and fallen leaves;

B. Improving air quality by removing pollutant gases and airborne particles;

C. Positively affecting energy and water conservation by providing shade, lowering temperatures, and reducing net evaporation rates;

D. Reducing noise pollution by absorbing and deadening excessive and/or unwanted noise and by screening the source of the noise from view; and

E. Providing a wide variety of habitats and ecosystems for birds, mammals, and other wildlife;

F. Accordingly, the purpose of this chapter is to establish a process and standards to:

1. Increase the livability of an area by helping to screen people and *buildings* from wind and inclement weather;

2. Create a special sense of identity, a sense of community and civic pride, and a memorable place to live and work;

3. Preserve and enhance the *city's* physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of *trees*;

4. Promote *site* planning, construction practices, and horticultural practices that are consistent with the *reasonable use* of property;

5. Implement the goals and objectives of the *city's* comprehensive plan; and

6. Implement the goals and objectives of the *city's* parks and recreation master plan. [Ord. 04-0214 § 2.]

18.57.030**Applicability.**

A. No individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall directly or indirectly remove or destroy any *tree* as defined in this title within the *city*, without first obtaining a clearing permit as provided in KMC Title 15.

B. Unless otherwise exempted in KMC 18.57.035, any *site* subject to *development*, including the division of a parcel of land into two or more parcels, within the *city*, shall comply with the requirements of this chapter.

C. Approval of a tree protection plan pursuant to the provisions of this chapter shall not discharge the obligation of the *applicant* to otherwise comply with the applicable provisions of this chapter.

D. When any provision of any other chapter of the Kenmore Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection for individual *trees* and *groves* of *trees* shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations. [Ord. 04-0214 § 2.]

18.57.035

Exemptions.

A. The following land *uses* are exempt from the provisions of this chapter. However, compliance with other applicable provisions of the Kenmore Municipal Code including but not limited to then-current *critical area* regulations per Chapter 18.55 KMC and then-current clearing regulations per Chapter 15.25 KMC is still required:

1. Agriculture, meaning the use of the land for the primary purpose of deriving income from growing plants or *trees* on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another *use* and only incidentally for growing *trees* or plants for income.

2. *Commercial Nursery or Tree Farm*. But only those *trees* which are planted and growing on the premises of a licensed retailer or wholesaler for sale to the general public. Other *trees* on such premises shall remain subject to this chapter.

3. *Residential Development*.

a. All existing *lots* on which are to be situated new *single detached dwelling units* in residential zones based on tree removal limits established by clearing requirements.

b. All existing *lots* on which are situated existing detached *dwelling units* in residential zones based on tree removal limits established by clearing requirements.

4. Downtown Commercial and Downtown Residential zones. All *development* occurring within core areas designated as downtown commercial and downtown residential zones. [Ord. 09-0295 § 2; Ord. 04-0214 § 2.]

18.57.050

Tree protection plan required.

A. Requirement Established. Except for the exemptions enumerated in this chapter, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any land in the *city*, any *tree* as defined in this chapter, without first obtaining the *city manager's* approval of a tree protection plan and receiving a clearing permit from the *city*. For *sites* proposed for land *development*, including the division of a parcel of land into two or more parcels, having *trees* below the minimum tree density, even though no *trees* are proposed to be removed, a tree protection plan is required to bring the *site* up to the minimum tree density standard herein established.

B. Submittal of Tree Protection Plan. Where the *site* proposed for *development* requires site or plat or short plat review, the tree protection plan shall be submitted concurrent with a site plan or plat or short plat application.

C. Tree Protection Plan Requirements. Attached to the *applicant* information and site plan information required for the clearing permit applications, the *applicant* shall include the following tree protection plan information:

1. *Tree Survey*. For all *development proposals* a *tree* survey, drawn to scale by a land surveyor licensed in Washington State, identifying the exact location and conditions of existing *trees* as defined in this title and containing the following information:

a. Common and botanical name of each *tree*.

b. *Trees* proposed to remain and to be removed.

c. *Groves* with indication of predominant species, number of *trees* and size of d.b.h.

d. Any off-site *tree* with a root protection zone which could be adversely affected by the proposed activity.

e. The location and dimensions of established and proposed perimeter *landscaping*, natural *vegetation* easements, and open space areas for public, *private*, or community use.

f. *Net buildable areas*.

g. *Critical areas* and their *buffers*.

- h. Stormwater tracts.
- i. Limits of construction line.
- j. North arrow, scale, and date of survey.
- 2. A statement describing how *trees* intended to remain will be identified, marked, and protected before the start of and during *development* as further described in KMC 18.57.090.
- 3. A statement that describes replacement tree quality as conforming to the American Standards for Nursery Stock (ANSI).
- 4. Proposed Tree Protection Plan. The permit *applicant* shall have a *qualified tree protection professional* prepare a tree protection plan. The tree protection plan shall be drawn to scale using the *tree* survey as a base and containing the following information:
 - a. The exact location and conditions of protected *trees*.
 - b. The exact location, common name, botanical name, and *caliper* of each *tree* species to be planted.
 - c. The *site* minimum tree density calculation indicating the total number, size, and species of existing *trees* to be preserved and the replacement *trees* to be planted as described in KMC 18.57.060.
 - d. The *site* replacement tree calculation as described in KMC 18.57.060 with an explanation including the number, *caliper*, and species.
 - e. The location, materials, dimensions, and layout of the protective barriers.
- 5. Submit a Landscape Bond Quantity Form.
- 6. Additional Information. Any additional or more detailed information required by the *city manager* to ensure compliance with the provisions of this chapter (i.e., aerial photograph). The *city manager* may waive the requirements for the scaled drawing and other submission data if he finds that the information presented is sufficient to determine the project's compliance with the provisions of this chapter. [Ord. 04-0214 § 2.]

18.57.060**Tree density requirement.**

A. Minimum Tree Density Requirement Established. A minimum tree density is required on each *site*. The tree density may consist of existing *trees*, replacement *trees*, or a combination of existing and replacement *trees*. The *site* density of *trees* to be protected on each *site* shall be determined prior to approval of a tree protection plan or clearing permit, by the *city manager*.

B. Tree Density Calculation. The minimum tree density required for each *site* is 30 tree units per acre of *net buildable area*.

- 1. To calculate the density of *trees* to be protected:
 - a. Obtain the d.b.h. measurement in inches for each protected *tree* within the *net buildable area*.
 - b. Go to Table 18.57.060A and select the tree unit value that corresponds to the d.b.h. for each protected *tree*.
 - c. Add up the tree unit values for all protected *trees* and divide by the total acreage of the *net buildable area*. This value must equal or exceed 30 tree units per acre of *net buildable area*. If the total is less than 30 tree units per acre, more *trees* must be protected or replacement *trees* will be required.
 - d. If replacement *trees* are planted as *groves* within designated tracts, then *applicant* may reduce total tree units required by 10 percent.

Table 18.57.060A Existing Trees to Remain.

(Conversion from diameter (d.b.h.) in inches to tree units for *trees* protected on *site*.)

d.b.h.	Tree Units	d.b.h.	Tree Units
1 – 5	1.0	30	8.2
6 – 10	1.2	31	8.6
11	1.4	32	9.0
12	1.8	33	9.5
13	2.0	34	10.0

d.b.h.	Tree Units	d.b.h.	Tree Units
14	2.3	35	10.5
15	2.6	36	11.0
16	2.9	37	11.5
17	3.2	38	12.0
18	3.5	39	12.5
19	3.8	40	13.0
20	4.2	41	13.5
21	4.6	42	14.0
22	5.0	43	14.5
23	5.4	44	15.0
24	5.8	45	15.5
25	6.2	46	16.0
26	6.6	47	17.0
27	7.0	48	18.0
28	7.4	49	19.0
29	7.8	50	20.0
For every one inch greater than 50 d.b.h., add an additional 2 tree units (i.e., 62 d.b.h. = 44 tree units).			

C. Replacement *Tree* Requirement. If the number of existing *trees* is not enough to meet the minimum of 30 tree units per acre, a sufficient number of replacement *trees* shall be planted to meet the minimum requirement. To determine the total number of replacement *trees* required:

1. Obtain the *caliper* measurement for each replacement *tree*. Replacement *trees* are measured differently than protected *trees*. Instead of measuring d.b.h. as in protected *trees*, replacement *trees* are measured by *caliper* in inches according to industry standards (ANSI). *Caliper* on replacement *trees* is measured six inches above the ground line for four-inch and smaller *trees*, and 12 inches above ground for larger replacement *trees*.

2. Go to Table 18.57.060B and select the tree unit value that corresponds to the *caliper* for each replacement *tree*.

3. Add the replacement tree unit values together to determine how many of that size *tree* will be required to achieve the minimum *site* density. See Table 18.57.060C for an example.

Table 18.57.060B Replacement Trees.
(Conversion from *caliper* inches to tree units for replacement *trees*.)

Deciduous Tree Caliper Inches	Tree Units for Deciduous Trees	Coniferous Tree Height in Feet	Tree Units for Conifers	Tree Units for Native Conifers
1.5"	0.4	4' – 6'	0.5	0.8
2"	0.5	6' – 8'	0.7	1.0

Deciduous Tree Caliper Inches	Tree Units for Deciduous Trees	Coniferous Tree Height in Feet	Tree Units for Conifers	Tree Units for Native Conifers
3"	0.6	8' – 10'	1.0	1.5
4"	0.7	11' – 12'	1.5	2.0
5"	0.8			
6"	1.0			
7"	1.2			
8" +	1.5			

Table 18.57.060C Sample Tree Density Calculation.

The required density factor is calculated below as follows for five acres: five acres x 30 units = 150 tree units required.

Existing density (ED):

Size	Quantity	Total Units	Size	Quantity	Total Units
24"	3	17.4	12"	5	9.0
18"	3	10.5	8"	6	7.2
10"	4	4.8	15"	8	20.8
30"	7	57.4	4"	10	10.0
				Total ED	137.1

Replacement density RD:

Size	Units	Quantity	Total Units
2" <i>Deciduous</i>	0.5	12	6.0
4" <i>Deciduous</i>	0.7	6	4.2
4' – 6' Native Conifer	0.8	5	4.0
		Total RD	14.2

ED + RD =	Site Total Tree Density	>	or	=	Minimum Density Required	
137.1 + 14.2 =	151.3	>			150	Density Satisfied

The sum of the ED and RD must be greater than or equal to the minimum density required. [Ord. 09-0295 § 3; Ord. 04-0214 § 2.]

18.57.070**Tree protection plan review procedure.**

A. *Departmental Review.* The *city manager* shall review the tree protection plan and clearing permit application to determine whether the *applicant* has provided all required information. Completed applications shall be referred to appropriate *city departments* for review. Upon request of either the *applicant* or the *city*, the *city* may conduct field

inspections or review meetings. *City departments* involved in the review and/or inspections shall submit their report(s) and recommendation(s) to the *city manager*.

B. Evaluation for Compliance. The *city manager* may require an evaluation by a *qualified tree protection professional*, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree protection plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this chapter and/or the terms of the clearing permit. Individual *applicants* will be responsible for payment to the *city* of the actual cost to the *city* of this evaluation. The actual costs of any such evaluation shall be paid to the *city* within 30 days of receipt of the *city's* invoice.

C. *Financial Guarantees*. For all projects required to have a tree protection plan, *financial guarantees* shall be required consistent with the provisions of KMC 21.20.070; provided, however, that to the extent that the *financial guarantee* requirements of KMC 18.57.100 are more protective of tree preservation, performance and maintenance, then the more protective requirements shall prevail. [Ord. 09-0295 § 4; Ord. 04-0214 § 2.]

18.57.080

Tree protection plan review standards.

The following standards shall govern the approval of a tree protection plan and the granting or denial of an application for clearing permit:

A. Design. *Development* shall be designed, located, and conducted so as to minimize the loss of healthy *groves* and protected *trees* as identified by a *qualified tree protection professional*, degradation of wildlife habitat as identified through environmental review, and the potential for *erosion* and slope failure.

B. *Tree Protection Priority*. In designing a development project and in meeting the required minimum tree density, the *applicant* shall protect *trees* within the *net buildable area* as described in KMC 18.57.060(B)(1), in the following order of priority. *Trees* to be preserved and protected must be healthy and vigorous, *wind-firm*, and not in conflict with utilities.

1. *Groves*.
2. Individual *trees* which provide wildlife habitat as identified through environmental review.
3. Individual *trees* and *groves* which occur within required *setbacks*.
4. *Trees* sheltering interior *trees* or *trees* on adjacent property from strong winds that could otherwise cause them to blow down.
5. *Trees* which provide a buffer and separate incompatible *uses* or reduce sound and wind levels.

C. Replacement *Tree Planting Conditions*. Replacement *trees* should be planted in areas with soil, climate, exposure, and moisture conditions appropriate to the replacement *tree species'* growing requirements as determined by a *qualified tree protection professional*, licensed landscape architect, or certified nurseryman.

D. Replacement *Tree Planting Location Priority*. On *sites* where the number of existing *trees* falls below the minimum density requirements, then replacement *tree* planting shall be required. The *applicant's* proposed location of transplanted or replacement *trees* shall be subject to review by a *qualified tree protection professional*, licensed landscape architect, or certified nurseryman, and *city* approval as part of the tree protection plan. Replacement *trees* should be planted according to the following priority:

1. On Site.
 - a. Designated Tracts. *Trees* located in separate deeded *tree* tracts specifically set aside for the preservation and planting of *trees* and/or the required recreation open space area if *trees* do not interfere with recreation activities.
 - b. Perimeter *Landscaping*. In which case, replacement *trees* shall not count toward and shall be in addition to perimeter landscape requirements.
 - c. Landscaping. This may include entrance landscaping, traffic islands, and other common open space areas. *Trees* located in a public right-of-way may be credited as replacement *trees* only if *street trees* are not a requirement.
2. Off Site.

In cases where an *applicant* believes that lot size prevents installation of the required number of *trees*, the *applicant* may propose to the *city* payment of a fee in lieu for installation of *trees* in a public *park* or other *public space*. The *city manager* shall review and make the final decision on the *applicant's* proposal, based on a recommendation from a *qualified tree protection professional*.

E. Replacement Conifer Tree Types. Replacement *trees* shall be of a similar type of genus to the conifer *trees* that are removed, i.e., a Western Red Cedar (*Thuja plicata*) may be replaced with a *tree* in the genus *Thuja*, such as an American Arborvitae (*Thuja occidentalis*). [Ord. 09-0295 § 5; Ord. 04-0214 § 2.]

18.57.090

Tree protection during construction.

Prior to initiating tree removal and any *clearing* and *grading* on the *site*, *trees* to be protected and preserved shall be protected from potentially damaging activities as follows unless otherwise approved by the *city*.

A. *Critical Root Zone (CRZ)*. The *CRZ* of individual *trees*, *groves*, or otherwise designated protected tree areas shall include no less than the area of a circle with a radius that extends one foot out from the *tree* for every inch of trunk d.b.h., or the area of a circle with radius extending from a *tree's* trunk to a point no less than the end of a *tree's* longest branch, whichever is greater (see Figure 18.57.090A).

B. Tree Protection Fence (TPF). Before *development*, the *applicant*:

1. Shall place three inches of composted woodchips over the *CRZ* of all retained *trees* to retain moisture, increase organic matter, and visually establish the *CRZ*.

2. Shall erect and maintain readily visible protective tree fencing a minimum of three feet beyond the outer edge of the *CRZ* for all individual *trees*, *groves*, or other designated protected tree areas.

a. Fencing shall completely surround the required tree protection area. The *city manager* may allow adjustments to placement of the TPF based on an evaluation of the *tree*, soils, and proposed disturbance.

b. Fencing shall be a minimum of four feet high and may be higher if needed to ensure clear visual delineation. Chain-link *fence* or orange plastic *fence* fastened to steel stakes/posts driven securely into the ground shall be required in order to discourage easy movement.

c. Any deviation from the tree fencing methods listed above must be authorized in writing by the *city manager* in advance.

3. Shall keep the protective fencing in place until the *city* authorizes the removal or issues a final certificate of occupancy, whichever occurs first.

4. Shall ensure that any landscaping done within the root protection zone subsequent to the removal of the *fence* shall not disturb existing *trees* including roots within the *CRZ*.

C. Placing Materials Near *Tree*. During *development*, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, may conduct any activity within the TPF of any *tree* designated to remain, except as specified in this section.

D. Attachments to *Trees*. During *development*, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall attach any object to any *tree* designated for protection.

E. Grade.

1. The grade shall not be filled or cut within the *CRZ* of any *tree* designated to remain without prior review by a *qualified tree protection professional* and advance, written approval from the *city manager*.

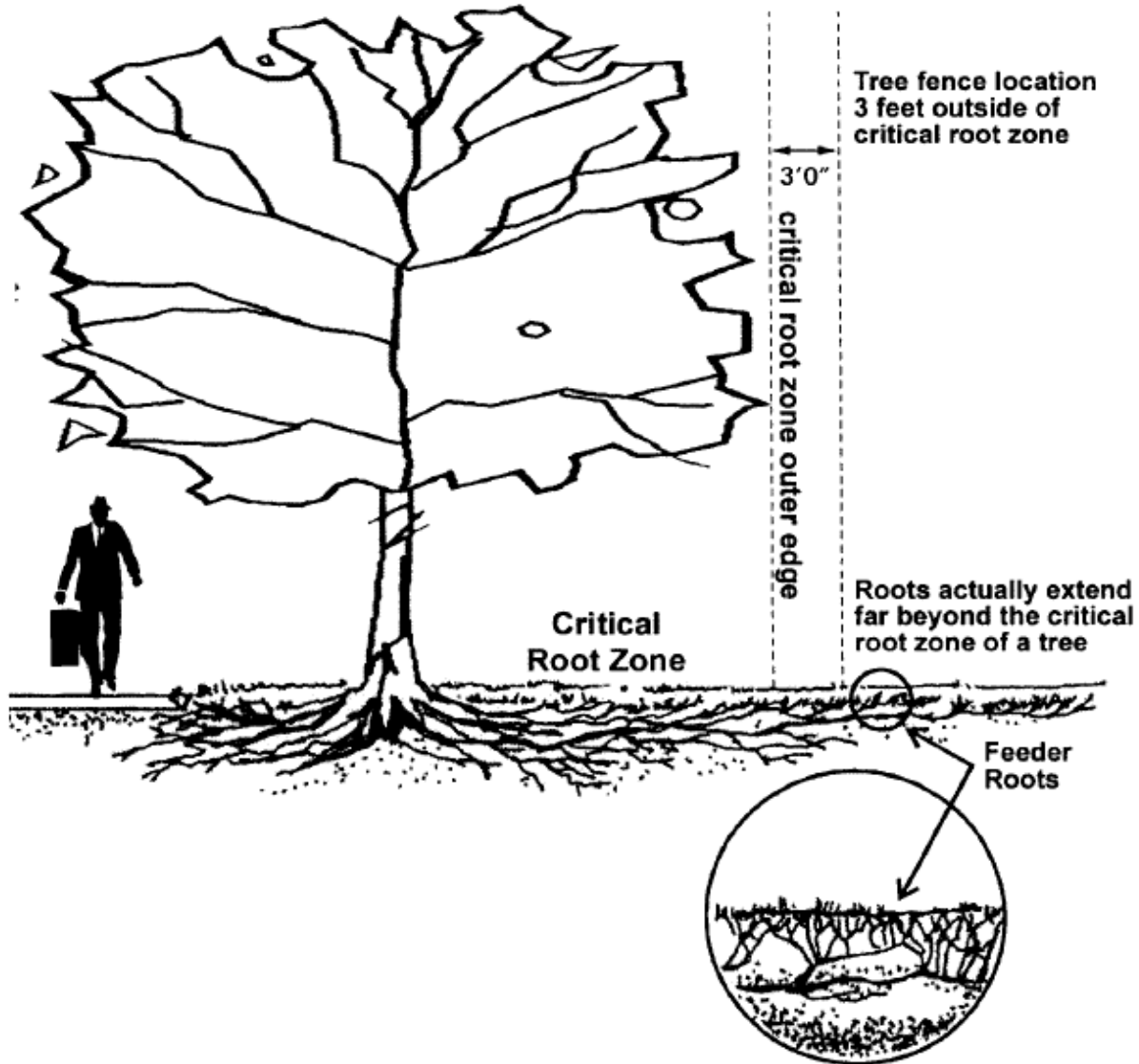
2. The *applicant* shall not install an *impervious surface* within the protective barrier of any *tree* designated to remain without the advance, written authorization of the *city manager*.

3. To the greatest extent practical, utility trenches shall be located outside of the root protection zone of *trees* to be retained. Boring or tunneling under the *CRZ* may be considered an alternative, but shall require the advance, written approval of the *city manager*.

4. *Trees* and other *vegetation* to be retained shall be protected from *erosion* and sedimentation.

F. Additional Requirements. The *city manager* may require additional tree protection measures which are consistent with accepted urban forestry practices.

Figure 18.57.090A Critical Root Zone.



This section shows a cross-section of the typical root zone for a *deciduous tree*. Eighty-five percent of the *tree's* roots are within the top 18 inches of the soil. Roots typically spread up to two times the height of the *tree* and sometimes more. However, the critical mass of roots is usually found within the *critical root zone*. [Ord. 04-0214 § 2.]

18.57.100**Post-construction replacement, financial guarantee and maintenance requirements.**

A. Replace Damaged, Dead, or Dying *Trees*. Replacement *trees* or *groves* that are damaged or die within a period of three years after planting or transplanting must be replaced in kind at a ratio of one-to-one within six months of the *tree's* death or the date of discovery of the damage. Existing *trees* that are damaged or die within a period of three years after completion of construction activities and as a cause of construction activities as determined by a *qualified tree protection professional* shall be replaced in kind at a ratio of two-to-one within six months of the *tree's* death or date of discovery of the damage.

B. Replacement *Tree* Quality. Replacement *trees* shall conform to the American Standards for Nursery Stock, ANSI.

C. *Tree* Maintenance. All *trees* shall be maintained in accordance with International Society of Arboriculture guidelines and standards.

D. *Financial Guarantee* Required. A *financial guarantee* as defined and regulated under KMC Title 21 shall be required as a mechanism to cover any potential cost associated with replacing dead or dying replacement or existing *trees* required to satisfy tree unit requirements per this section.

1. A *financial guarantee* shall be required for all plans requiring 15 or more tree units.

2. Calculation of the amount of the *financial guarantee* shall be computed based upon equivalent tree replacement value for all replacement and existing *trees* on the property as determined by a *qualified tree protection professional* using the most recent edition of the Guide for Plant Appraisal published by The International Society of Arboriculture, in collaboration with the Council of Tree and Landscape Appraisers. Fair market value shall be posted. Fair market value includes the value of the *tree(s)*, installation, and maintenance until establishment that would be required to compensate for the *trees* that could be lost.

3. The *financial guarantee* period for maintenance shall be three years, plus an additional 60 days.

4. Release of *Financial Guarantee*.

a. Upon successful tree replacement and establishment as determined by the written approval of the *city* and consistent with Chapter 21.15 KMC, the *financial guarantee* required by this section shall be released.

b. The *city*, in its discretion, may release a *financial guarantee* under this section when fee simple title is transferred. The *city* may condition the release of the existing *financial guarantee* upon establishment of a new *financial guarantee* by the new owner in fee simple. [Ord. 09-0295 § 6; Ord. 04-0214 § 2.]

18.57.110**Penalties, enforcement.**

A. Civil Penalty. Any violation of any provision of this chapter constitutes a civil violation under Chapter 1.15 KMC, and is subject to the enforcement procedures of Chapter 1.20 KMC; provided, however, that an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, who removes any *tree* in violation of this chapter shall be assessed the following civil penalty:

An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, removing a *tree* in violation of this chapter shall be assessed a monetary penalty in the amount of \$2,000 per inch in *diameter at breast height* of *tree* removed. For example, if a 20-inch *tree* is removed, then the penalty would be \$40,000.

B. Criminal Penalty. In addition to, or as an alternative to incurring civil liability under this section, an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, who violates any provisions of this chapter shall be guilty of a misdemeanor and subject to the criminal penalties set forth in Chapter 1.15 KMC, and shall be subject to the procedures of the *city's* criminal code, KMC Title 9.

C. Separate Offense. Every individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, violating any provision of this chapter is guilty of a separate offense for each and every day during any portion of which the violation is committed, continued or permitted by any such individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated. [Ord. 09-0295 § 7.]

Chapter 18.60

COMMUNICATION FACILITIES

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- 18.60.050 Minor communication facilities – Review process.
- 18.60.060 Minor communication facilities – Location within street, utility and railroad rights-of-way.
- 18.60.070 Minor communication facilities – Public parks, open spaces and other property owned by the city.
- 18.60.080 Minor communication facilities – Pre-application community meetings.
- 18.60.090 Application requirements for new transmission support structures.
- 18.60.100 Application requirements for new antennas on all existing support structures.
- 18.60.110 Modifications to all communication facilities.
- 18.60.120 Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.
- 18.60.130 Minor communication facilities – Collocation.
- 18.60.140 Consolidation.
- 18.60.150 Notification requirements.
- 18.60.160 Setback requirements.
- 18.60.170 Color and lighting standards.
- 18.60.180 Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.
- 18.60.190 Minor communication facilities – Visual compatibility standards.
- 18.60.200 Minor communication facilities – Additional standards to reduce degree of visual impact.
- 18.60.210 Minor communication facilities – Antenna development standards.
- 18.60.220 NIER exposure standards.
- 18.60.230 Fencing and NIER warning signs.
- 18.60.240 Shock and burn standard.
- 18.60.250 Landscaping requirements.
- 18.60.260 Testing of wireless telecommunications facilities required – Radio frequency radiation.
- 18.60.270 Interference.
- 18.60.280 NIER enforcement.
- 18.60.290 Minor communication facilities – Time limits and establishment period.
- 18.60.300 Minor communication facilities – Cessation of use.
- 18.60.310 Minor communication facilities – Criteria for determining technical feasibility.
- 18.60.320 Third party review.

18.60.010**Purpose.**

The purpose of this chapter is to establish guidelines for the siting of *transmission support structures* and *antennas*. The goals of this chapter are to:

- A. Provide for the appropriate location and *development* of wireless telecommunications facilities in locations that promote the public safety and general welfare;
- B. Encourage the location of *transmission support structures* in nonresidential areas and minimize the total number of *transmission support structures* throughout the community;
- C. Strongly encourage the joint use of new and existing *transmission support structure sites*;
- D. Promote telecommunications facility safety through proper engineering and siting;
- E. Accommodate in reasonable time requests for wireless telecommunications facility *development*;

F. Support all decisions made regarding siting of wireless telecommunications facilities with substantial evidence contained in a written record;

G. Encourage users of *transmission support structures* and *antennas* to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

H. Encourage users of *transmission support structures* and *antennas* to configure them in a way that minimizes the adverse visual impact of the *transmission support structures* and *antennas*;

I. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently; and

J. Ensure compliance with Federal Communications Commission rules and applicable law regarding *nonionizing electromagnetic radiation (NIER)*. [Ord. 05-0228 § 4.]

18.60.020

Applicability.

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. All *communication facilities* which are not exempt pursuant to KMC 18.60.030 shall comply with the provisions of this chapter as follows:

A. New *communication facilities*, with the exception of *consolidations*, shall comply with the provisions of KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170 and 18.60.220 through 18.60.280; new *minor communication facilities* shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;

B. Modified *communication facilities*, with the exception of *consolidations*, shall comply with standards as provided in KMC 18.60.030, 18.60.140 through 18.60.170, and 18.60.220 and 18.60.280; *modifications to minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;

C. *Consolidations* shall comply with standards as provided in KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.280; *consolidations to minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply. [Ord. 05-0228 § 4.]

18.60.030

Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (*FCC*);

B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;

C. The storage, shipment or display for sale of *transmission equipment*;

D. Radar systems for military and civilian communication and navigation;

E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;

F. Two-way radio utilized for temporary or *emergency* services communications;

G. Licensed amateur (ham) radio stations and citizen band stations;

H. *Earth station* downlink using satellite dish *antennas* with a diameter of less than two meters or 6.6 feet; provided, that stations in excess of one dish *antenna* are subject to *conditional use permits*;

I. Any *antenna* which is treated as exempt under 47 Code of Federal Regulations (C.F.R.) Section 1.4000(a)(1), as it may be amended from time to time;

J. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming *communication facility*, *transmission equipment*, *transmission support structure* or *transmitter building*; provided, that the *transmission equipment* does not result in noncompliance with KMC 18.60.220 and 18.60.240;

K. In the event a building permit is required for any *emergency* maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such *emergency* activities. In the event a building permit is required for non-emergency maintenance, reconstruction, repair or

replacement, filing of the building permit application shall be required prior to the commencement of such non-emergency activities;

L. Change-out of equipment that is located on the ground, on an existing *transmission support structure* or on an *alternative transmission support structure* that is replaced in the same location and is the same size or smaller. [Ord. 05-0228 § 4.]

18.60.050

Minor communication facilities – Review process.

Minor communication facilities shall be reviewed as follows:

Minor Communication Facilities – Review Process

Zone District(s)	Antenna	Transmission Support Structure
RB, NB, DC	P	C
R1 – R6, P	P ² , C	C ³ , S
R12 – R48, DR	P	C ³ , S

P – Permitted Use – reviewed through Type 2 process outlined in KMC 19.25.020.

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

S – Special Use – reviewed through Type 3 process outlined in KMC 19.25.020.

¹ Reserved.

² Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522; or located on an *alternative transmission support structure* or *transmission support structure* with existing telecommunication facilities per KMC 18.60.270.

³ Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522.

[Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.060

Minor communication facilities – Location within street, utility and railroad rights-of-way.

A. The mounting of *antennas* upon existing *structures*, such as power poles, located within publicly or privately maintained *street*, utility and railroad rights-of-way is permitted. The process by which these facilities are approved is outlined in KMC 18.60.050, by first determining the most restrictive zone that abuts the right-of-way. However, this authorization shall not be construed as granting a right to use any property without the permission of the property owner. If an existing *structure* within a *street*, utility, or railroad right-of-way cannot accommodate an *antenna* due to structural deficiency, the *structure* may be replaced with a new *structure* that will serve the original purpose. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter and will not exceed the height and *setback* requirements of KMC 18.60.180.

Exception: *Structures* that operate solely as light poles may be replaced; however, they are not to exceed the height of the existing *structure*. The replacement *structure* must also remain the same diameter of the existing *structure*,

unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter. Replacement *structures* must meet the criteria in KMC 18.60.170, 18.60.190 and 18.60.200. In addition, if poles were originally installed as a decorative light standard, then the pole must match the other existing poles within the *development* in color, form and any decorative elements.

B. *Minor communication facilities* within *street*, utility and railroad rights-of-way that propose the construction of a separate *structure* used solely for *antenna* shall be subject to the zoning provisions applicable to the property abutting the portion of right-of-way where the *structure* is proposed except that the *setbacks* specified in the zoning code shall not apply. *Setbacks* shall be those specified in the *street* design standards. In cases where the abutting property on either side of the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

C. The placement of *antennas* on existing or replacement *structures* within *street*, utility or railroad rights-of-way is the preferred alternative in residential neighborhoods and the feasibility of such placement shall be considered by the *city* whenever evaluating a proposal for a new *transmission support structure*, except for a new *structure* that is proposed to collocate *antennas* for two or more separate service providers. [Ord. 05-0228 § 4.]

18.60.070

Minor communication facilities – Public parks, open spaces and other property owned by the city.

Within public *parks* and open spaces owned by the *city*, the placement of *antennas* on existing *structures*, such as power poles, light poles for *streets* and parking lots, light standards for recreational fields and existing *transmission support structures*, is the preferred option. As property owner, the *city*, separate from any permitting issues related to the project, has complete control over the placement of a facility in a *park* or on any other *city*-owned property. If an existing *structure* within a *city*-owned *park* or open space cannot accommodate an *antenna* due to structural deficiency, or does not have the height required to provide adequate signal coverage, the *structure* may be replaced with a new *structure*; provided, that the new *structure* will serve the original purpose and not exceed the original height. Any height increase which exceeds the original height of the *structure* will require a new application for a use permit per KMC 18.60.050. The construction of a new freestanding tower within public *parks* and open spaces owned by the *city* shall be subject to the requirements of this chapter. [Ord. 05-0228 § 4.]

18.60.080

Minor communication facilities – Pre-application community meetings.

When a new *transmission support structure* is proposed in any zone within the *city*, a community meeting shall be convened by the *applicant* prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:

1. Published in the local paper and mailed to the *department* and to the *city council*; and
2. Mailed notice shall be provided to all property owners within 500 feet (or at least 20 of the nearest property owners, whichever is greater) as required by KMC 18.60.150 of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*, a contact name and telephone number to obtain additional information, and such other information as the *city* shall reasonably deem necessary and require of the *applicant* in writing. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.

B. At the community meeting, at which at least one employee of the *department*, assigned by the *city manager*, shall be in attendance, the *applicant* shall provide information relative to existing *transmission support structures* and other nonresidential *structures*, such as water towers and electrical transmission lines, within one-quarter mile of potential *sites*, and shall discuss reasons why those existing *structures* are unfeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identified in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. *Applicants* shall also provide a list of

meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal. [Ord. 05-0228 § 4.]

18.60.090

Application requirements for new transmission support structures.

- A. In addition to any required site plan, a permit application for any *communication facility* shall also include:
1. A site plan which shows existing and proposed *transmission support structures*; guy wire anchors; warning signs; fencing and access restrictions;
 2. A report by a registered professional civil or structural engineer demonstrating compliance with applicable structural standards Chapter 15.25 KMC, and describing the general structural capacity of any proposed *transmission support structure(s)*, including:
 - a. The number and type of *antennas* that can be accommodated; and
 - b. The basis for the calculation of capacity;
 3. A report by a registered professional engineer that includes the following:
 - a. A description of any proposed *transmission support structure(s)*, including height above grade, materials, color and lighting; and
 - b. Statement related to interference and exposure as required by KMC 18.60.220 and 18.60.270.
 4. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*" which will be provided by the city.
- B. In addition to any required site plan and the information listed in subsection (A) of this section, a permit application for any *major communication facility* or any *minor communication facility* which is subject to the *special use permit* procedure shall also include:
1. The name and address of the operator(s) of proposed and existing *antennas* on the site;
 2. The height of any proposed *antennas*;
 3. A statement from a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator license which includes:
 - a. The calculated *NIER* levels attributable to the proposed *antennas* at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (*NIER* levels) in areas that are expected to be unfenced on-site;
 - b. For a *major communication facility*, if there is another *major communication facility* within one mile of the site of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to application; and
 - c. For a *minor communication facility*, if there is an existing *major communication facility* within one-half mile of the site of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to the application.
 - C. Each *applicant* for a building permit if required by Chapter 15.20 KMC for construction of a *minor communication facility* shall post cash, an irrevocable bond, or an irrevocable letter of credit. The amount required must be computed in the following manner: 20 percent of the cost of construction for the proposed facility; provided, that if the *applicant* can demonstrate that the cost of removal of those facilities is less than this amount, the *applicant* need only provide a bond in the amount of the cost of removal. This bond will remain in effect throughout the operation and use of the facility as security for removal of the *minor communication facility* or any part thereof. [Ord. 05-0228 § 4.]

18.60.100

Application requirements for new antennas on all existing support structures.

- A permit application for *antennas* to be located on any existing *structures* shall include:
- A. A site plan which shows the existing *transmission support structure* or *alternative transmission support structure*; guy wire anchors; warning signs; landscaping; fencing and access restrictions.
 - B. A description of any proposed *transmission support structure* or *alternative transmission support structure*, including height above grade, materials, color and lighting.
 - C. A letter from the owner of the *structure* for which the *antennas* are proposed to be located on, giving permission for the proposal to be processed.

D. A report by a registered professional engineer that includes a statement relating to interference and exposure as required by KMC 18.60.220 and 18.60.270.

E. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*" which will be provided by the city. [Ord. 05-0228 § 4.]

18.60.110

Modifications to all communication facilities.

A. Cumulative *modifications* of conforming or nonconforming *communication facilities, transmission support structures, alternative transmission support structures* or *transmission equipment* which do not increase the overall height of the *transmission support structure* or *transmission equipment* and which does not cause an increase in *effective radiated power* or *antenna* location shall be allowed provided:

1. A *nonconformance* with respect to the height of the *transmission support structure* or *alternative transmission support structure* shall not be created or increased;

2. Existing *perimeter vegetation* or *landscaping* shall not be reduced;

3. The *modification* results in compliance with KMC 18.60.220 and 18.60.240. The *applicant* shall provide the city a detailed certification of compliance with these provisions which has been prepared by a licensed professional engineer; and

4. For *minor communication facilities*, the allowances for increased height established by this chapter, including without limitation KMC 18.60.120, shall be complied with.

B. Except for *consolidations* allowed by KMC 18.60.140, *modifications* which increase the overall height of the *transmission support structure* or *transmission equipment* shall be subject to the following provisions:

1. Applications for such *transmission support structures* shall be reviewed pursuant to the applicable process specified in this chapter; and

2. Such *transmission support structures* shall comply with the provisions of KMC 18.60.030, 18.60.090 through 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.270. [Ord. 05-0228 § 4.]

18.60.120

Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.

A. *Modifications* to *transmission support structures* and *alternative transmission support structures* are permitted through the Type 2 process outlined in KMC 19.25.020 when the *modification(s)* is necessary to accommodate the actual collocation of the *antenna* of other service providers, or to accommodate the current provider's *antenna* required to utilize new technology, such as digital transmissions, and the *transmission support structure* including the proposed *modification* does not increase the height of the existing *transmission support structure* or modify any of the original conditions of approval.

B. *Modifications* to the height or conditions of approval of existing *transmission support structures* are permitted through the *transmission support structure* process outlined in KMC 18.60.050.

C. *Modifications* to the height or conditions of approval of existing *alternative transmission support structures* are permitted through the *antenna* process outlined in KMC 18.60.050.

D. *Modifications* to existing legal nonconforming *transmission support structures* and *alternative transmission support structures* shall be subject to the applicable procedure set forth in KMC 18.60.050 may not increase the height of the *structure* more than what is permitted in KMC 18.60.180. [Ord. 05-0228 § 4.]

18.60.130

Minor communication facilities – Collocation.

A. Upon application for a permit for a new *transmission support structure* or *antenna*, the *applicant* shall provide a map showing all existing *transmission support structures* or other suitable nonresidential *structures* located within one-quarter mile of the proposed *structure* with consideration given to engineering and structural requirements. No new *transmission support structure* shall be permitted if an existing *structure* suitable for attachment of an *antenna* or collocation is located within one-quarter mile, unless the *applicant* demonstrates that the existing *structure* or a new *structure* complying with KMC 18.60.120:

1. Would be physically or technologically unfeasible pursuant to KMC 18.60.310; or

2. Is not made available for sale or lease by the owner; or
3. Is not made available at a market rate cost; or
4. Would result in conflicts with Federal Aviation Administration height limitations; or
5. Cannot be collocated within an existing facility due to interference with a third carrier.

B. The burden of proof shall be on the *applicant* to show that a suitable existing, modified or replacement *structure* for mounting of *antenna* or collocation cannot be reasonably or economically used in accordance with these criteria.

C. Prior to the receipt of a building permit to construct a new *transmission support structure*, the *applicant* shall file a letter with the *department* agreeing to allow collocation on the *transmission support structure*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *transmission support structure* to the extent that such collocation is technically feasible for the affected parties.

D. All new or modified *transmission support structures* shall be constructed in a manner that would provide sufficient structural strength to allow the collocation of additional *antennas* from other service providers at the standard 10-foot separation.

E. Applications to collocate new *minor communications facilities* on existing *transmission support structures* and/or *alternative transmission support structures* with no increase in height shall comply with all applicable provisions of KMC Title 19 and be processed as a Type 2 permit. [Ord. 05-0228 § 4.]

18.60.140

Consolidation.

Consolidation of two or more existing *transmission support structures* may be permitted subject to the following:

A. If the consolidated *transmission support structure* cannot meet the requirements of KMC 18.60.160, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties as determined by the *city manager*:

1. Topography and dimensions of the *site*;
2. (In the case of a *consolidation*) to any existing *structures* to be retained;
3. (In the case of a *guyed transmission support structure*) to guy anchor placement necessary to assure structural integrity of the consolidated transmission tower; and
4. Consolidated *transmission support structures* shall be set back from abutting residential property as required in KMC 18.60.180;

B. If a *consolidation* involves the removal of *transmission support structures* from two or more different *sites* and if a consolidated *transmission support structure* is to be erected on one of those *sites*, it shall be erected on the *site* which provides for the greatest compliance with the standards of this chapter;

C. All existing *transmission equipment* on the *site* of a *communication facility* which does not comply with the provisions of this chapter shall be relocated to the consolidated *transmission support structure* before the relocation of *transmission equipment* from a nonexempt off-site, conforming *communication facility* is permitted;

D. The *consolidation* shall not exceed *NIER* and electrical current level limits specified in KMC 18.60.220 and 18.60.240;

E. Any *transmission support structure* to be removed as part of a *consolidation* shall be removed within 12 months of relocation of the transmitting equipment;

F. *Consolidation* shall result in a net reduction in the number of *transmission support structures*; and

G. Consolidated facilities shall require a *conditional use permit*, unless a new *transmission support structure* in the same location would require a *special use permit*, in which case consolidated facilities shall require a *special use permit*. [Ord. 05-0228 § 4.]

18.60.150

Notification requirements.

An *applicant* shall comply with all requirements for notification of a permit application set out in Title 19 KMC. [Ord. 05-0228 § 4.]

18.60.160**Setback requirements.**

Except as outlined for *modifications* and *consolidations* pursuant to KMC 18.60.110 and 18.60.120 or when *setbacks* are increased to ensure compliance with *NIER* exposure limits, communication facilities shall comply with the following *setbacks*:

A. *Transmission support structures*, for *major communication facilities* which do not exceed the height limit of the zone in which they are located, shall be set back from the property line as provided for *minor communications facilities* in KMC 18.60.180;

B. *Transmission support structures*, for *major communication facilities*, which exceed the height limit of the zone in which they are located, and which are located in zones other than NB, DC, DR, or RB, shall be set back from property lines as set forth in KMC 18.60.180;

C. *Transmission support structures* for *minor communication facilities* shall be set back from the property line as provided in KMC 18.60.180;

D. When two or more *communication facilities* share a common boundary, the *setback* from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining sites which limit *development* to *communication facilities*;
2. Of sufficient depth to provide the *setbacks* required in subsections (A) and (B) of this section;
3. Which provide for the city as a third party signatory to the agreement; and

4. *Transmitter buildings* shall be subject to the *setback* requirements of the zone in which they are located. [Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.170**Color and lighting standards.**

Except as specifically required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), *transmission support structures* and *alternative transmission support structures* and all equipment attached to such *structures* shall:

A. Use nonreflective colors such as gray, blue, brown or green which reduce their visual impacts; provided, wooden poles do not have to be painted.

B. If a replacement pole is proposed then it must match the color of the original pole, unless the use of an alternate color would have less visual impact. For example, if *evergreen* trees surround an existing metal pole, then instead of replacing the pole with a metal or gray pole, the pole may be replaced with a dark green pole.

C. Not be illuminated, except *transmitter buildings* may use lighting for security reasons which is compatible with the surrounding neighborhood.

D. If a replacement *structure* is proposed, the replacement pole must meet the criteria listed in subsection (A) of this section. [Ord. 05-0228 § 4.]

18.60.180**Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.**

A new *transmission support structure* may not exceed the standards of this section.

Minor Communication Facilities – Development Standards

Zone District(s)	Maximum Height ² of Transmission Support Structure or Alternative Transmission Support Structure	Setbacks ¹ for New Transmission Support Structure
RB, DC	100 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any A or R1 – R48 zoned property, whichever provides the greater <i>setback</i> .

Zone District(s)	Maximum Height ² of Transmission Support Structure or Alternative Transmission Support Structure	Setbacks ¹ for New Transmission Support Structure
NB, R1 – R6, R12 – R48, DR	60 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any R1 – R48 zoned property, whichever provides the greater <i>setback</i> .

¹ *Setbacks* may be modified to achieve additional screening; see KMC 18.60.190(C) or as provided in KMC 18.60.160.

² “Height” shall mean the vertical distance of any support structure as measured from the bottom of the base of the support structure ground level to the highest point of such support structure.

[Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.190

Minor communication facilities – Visual compatibility standards.

With consideration to engineering and structural requirements, and the coverage patterns the provider is seeking to achieve, *minor communication facilities* shall be subject to the following visual compatibility standards in addition to KMC 18.60.170:

A. When located on *alternative transmission support structures* such as *buildings* or water towers, the placement of the *antenna* on the *structure* should reflect the following order of priority in order to minimize visual impact:

1. When located on a utility pole, *antennas* shall be either fully concealed within the utility pole or camouflaged to appear to be an integrated part of the utility pole. *Antennas* not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which they are mounted and camouflaged or disguised.

2. A location as close as possible to the center of the *structure*;

3. Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the *department* on a case-by-case basis;

4. When located on the outer edge or side-mounted, be placed on the portion of the *structure* less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways; and

5. Transmission and power cables and any other conduit shall be contained within the support structure or *alternative transmission support structure* or located underground.

B. To the extent that there is no conflict with the color and lighting requirements of the Federal Aviation Administration for aircraft safety purposes, *transmission support structures* and *alternative transmission support structures* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing *vegetation* or other *structures* to screen the proposed *transmission support structure* from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

C. The *setback* provisions of KMC 18.60.180 may be waived by the *city manager* or the *hearing examiner* in order to achieve greater levels of screening than that which would be available by using the stated *setback*, during the course of the review process described in KMC 18.60.180. In waiving the requirement, the *department* or *hearing examiner* shall consider the protection of adjacent lands on the basis of the priorities stated in subsections (A) and (B) of this section. [Ord. 05-0228 § 4.]

18.60.200

Minor communication facilities – Additional standards to reduce degree of visual impact.

The *department* shall also consider the following criteria and give substantial consideration to on-site location and *setback* flexibility authorized in KMC 18.60.190(C) when reviewing applications for new *transmission support structures* and determining appropriate levels of *mitigation*:

A. Whether existing *trees* and *vegetation* can be preserved in such a manner that would most effectively screen the proposed *transmission support structure* from residences on adjacent properties;

B. Whether there are any natural land-forms, such as hills or other topographic breaks, that can be utilized to screen the *transmission support structure* from adjacent residences;

C. Whether the *applicant* has utilized a tower design that reduces the silhouette of the portion of the *transmission support structure* extending above the height of surrounding *trees*; and

D. Whether the factors of subsections (B) and (C) of this section can be addressed and the height of the proposed tower be reduced and still provide the level of coverage proposed by the *applicant*. [Ord. 05-0228 § 4.]

18.60.210

Minor communication facilities – Antenna development standards.

A. If *antennas* are located on a *transmission support structure* or utility pole then the *antenna* array shall be flush mounted within six inches of the support structure or pole, or contained in a canister that is a continuation of the diameter of the support structure. If located on a *building*, then the *antenna* array must be flush mounted within 12 inches of the face of the *building* or mechanical equipment screening.

B. *Antennas* shall not extend vertically above the uppermost portion of the *structure* to which they are mounted or attached, as follows:

1. Not more than the height of the *antenna* on the *transmission support structure* or *alternative transmission support structure* or three feet (36 inches), whichever is more restrictive;

2. Not more than 20 feet on a nonresidential *structure*; and

3. Not more than 15 feet on a residential *structure*, such as a garage, carport, shed, etc.

C. *Antennas* must be located at least 33 feet (10 meters) in any one direction from all residential living spaces and schools.

D. *Antenna modifications* and replacements which meet the requirements of subsection (A) of this section do not require approval from the *city* or a permit; however, testing per KMC 18.60.260 is required. [Ord. 05-0228 § 4.]

18.60.220

NIER exposure standards.

A. A *communication facility*, by itself or in combination with others, shall not expose the public to *NIER* that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in 47 C.F.R. Section 1.1310 or any other applicable federal law or regulation. A statement signed by a licensed professional electrical engineer shall be submitted that states that the proposed communications facilities meet all federal interference rules and regulations.

B. Permit applications for communication facilities shall include a statement, signed by a registered professional electrical engineer licensed in the state of Washington who holds a valid *FCC* General Radiotelephone License, that the proposed communications facilities meet all federal *NIER* rules and regulations. The report must also include the proposed levels of exposure and how they comply with *FCC* guidelines. [Ord. 05-0228 § 4.]

18.60.230

Fencing and NIER warning signs.

All *communication facility sites* shall comply with all federal guidelines regarding fencing and *NIER* warning signs. [Ord. 05-0228 § 4.]

18.60.240

Shock and burn standard.

The *communication facility* shall comply with 47 C.F.R. Section 1.1310. [Ord. 05-0228 § 4.]

18.60.250

Landscaping requirements.

A *communication facility site* shall provide *landscaping* as follows:

A. When the facility is located in:

1. The NB, CB, PSP, RB, DC, or DR zone, the base of any *transmission support structure* or *transmitter building* shall be landscaped with eight feet of Type II *landscaping* as defined by KMC 18.35.040(B).

2. The R, GC, and P zones, the base of any *transmission support structure*, *alternative transmission support structure* or *transmitter building* shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC 18.35.040(A).

B. When a security *fence* is used to prevent access onto a *transmission support structure*, *alternative transmission support structure* or *transmitter building*, any *landscaping* required pursuant to subsection (A) of this section shall be placed outward of such security *fence*.

C. When a security *fence* is used:

1. In the NB or RB zone, wood slats shall be woven into the security *fence* if made of chain-link material.

2. In the R zone, climbing *evergreen* shrubs or vines capable of growing on the *fence* shall supplement any *landscaping* required pursuant to subsection (A) of this section.

D. *Landscaping* shall be planted according to KMC 18.35.110. The *applicant* shall be required to maintain the installed *landscaping* per KMC 18.35.120. A two-year landscape maintenance bond shall be required to be posted at the time of permit issuance and will go into effect when the *landscaping* has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet.

E. Existing *vegetation* may be used and/or supplemented with additional *vegetation* to comply with the requirements of subsection (A) of this section.

F. The *city manager* may waive or modify the provisions for *landscaping* at the base of the *transmission support structure*, *alternative transmission support structure* and/or the equipment *buildings* when:

1. Existing *structures* on the *site* or the screening effects of existing *vegetation* on the *site* or along the *site* perimeter would preclude the ability to view the base of the *transmission support structure*, *alternative transmission support structure* or equipment *building*; or

2. The required *landscaping* is accessible to grazing animals and the animals would be better protected by placement of landscape materials within any proposed fencing or by the use of alternative *landscaping vegetation* that would not be toxic to the animals. [Ord. 08-0293 § 2; Ord. 05-0228 § 4.]

18.60.260

Testing of wireless telecommunications facilities required – Radio frequency radiation.

A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable *FCC* regulations regarding the *radio frequency* emissions of the wireless telecommunication facility. All such tests shall be performed by or under the supervision of *radio frequency* engineer competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a *radio frequency* engineer, setting forth the following:

1. Measurement of existing or ambient *radio frequency* radiation (RFR);

2. Existing RFR plus proposed wireless telecommunication facility: maximum estimate of RFR from the proposed wireless telecommunication facility plus existing ambient RFR;

3. Existing RFR plus proposed wireless telecommunication facility plus cumulative: maximum estimate of RFR from the proposed wireless telecommunication facility plus the maximum estimate of RFR from the total addition of collocated wireless telecommunication facilities, if any, plus the existing ambient RFR; and

4. Certification, signed by a *radio frequency* engineer, stating that the RFR measurements are accurate and meet *FCC* guidelines.

C. Initial field measurements shall be performed prior to placing the wireless telecommunication facility into service and the initial compliance report shall be submitted within 14 days of the wireless telecommunication facility becoming fully operational.

D. Compliance reports shall be required to be submitted to the *city* when a facility is to be modified under *FCC* guidelines or when a *FCC* license renewal application is made.

E. The *city* may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or *applicant*. [Ord. 05-0228 § 4.]

18.60.270**Interference.**

Permit applications for *communication facilities* shall include a statement, signed by a licensed professional electrical engineer, that the proposed *communications facilities* meet all federal interference rules and regulations. [Ord. 05-0228 § 4.]

18.60.280**NIER enforcement.**

The *city manager* shall have the authority to take any necessary steps to seek *FCC* enforcement of the relevant standards, or, to the extent consistent with applicable law and *FCC* regulations, to take such other steps as may be appropriate to rectify such a violation. [Ord. 05-0228 § 4.]

18.60.290**Minor communication facilities – Time limits and establishment period.**

The building permit shall become null and void if construction of the *transmission support structure* has not begun within one year after the effective date of permit approval or if *antennas* are not installed within 180 days after construction of the *transmission support structure*. Extensions shall be allowed only in accordance with the criteria specified for building permit extensions in KMC Title 15. [Ord. 05-0228 § 4.]

18.60.300**Minor communication facilities – Cessation of use.**

An *antenna* shall be removed from a *transmission support structure* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *city's* satisfaction that the *antenna* is likely to be used again within the next six months. A *transmission support structure* for wireless communication facilities shall be removed within one year of the date the last *antenna* is removed. *Antennas* or *transmission support structures* that are not removed within the time frames described herein may be removed by the *city* or a contractor designated by the *city*, and the owner of the *antenna* or *transmission support structure* shall reimburse the *city* for its costs in removing the *antenna* or *transmission support structure*. The *city* may extend the deadlines listed in this section. Nothing herein prevents a landlord from removing *antennas* of tenants which are in default under the terms of a lease agreement. [Ord. 05-0228 § 4.]

18.60.310**Minor communication facilities – Criteria for determining technical feasibility.**

When an *applicant* is required to demonstrate that an existing, modified or replacement structure is not technically feasible for collocation, the evidence submitted to corroborate that finding may consist of any of the following:

A. No existing structures are located within the geographic area required to meet the *applicant's* proposed area of coverage.

B. Existing structures are not of sufficient structural strength to support the *applicant's* proposed *antenna* and related equipment and the cost of *modification* or replacement of an existing structure to allow collocation would equal or exceed that of the construction of the new structure.

C. Existing structures or structures modified consistent with KMC 18.60.120 would not be of sufficient height required to meet the *applicant's* proposed area of coverage or allow *microwave* connection to other *sites* operated by the *applicant*.

D. The *applicant's* proposed *antenna* would cause interference between the proposed and existing *antenna*, and that even the additional height permitted for collocations pursuant to KMC 18.60.130 would not ensure enough separation to avoid such interference. [Ord. 05-0228 § 4.]

18.60.320**Third party review.**

In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless service provider. The *city* may require such technical review, to be paid for by the *applicant* for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the

applicant and the *city*, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the personal *wireless services*, facilities and other matters as described herein, and not a subjective review of the *site* selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *city* or other interested parties. Based on the results of the third party review, the *city* may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert. [Ord. 05-0228 § 4.]

Chapter 18.70

ANIMALS

Sections:

- 18.70.010 Purpose.
- 18.70.020 Animal regulations – Small animals and household pets.
- 18.70.025 Kennels and catteries
- 18.70.030 Animal regulations – Livestock – Purpose.
- 18.70.040 Animal regulations – Livestock – Densities.
- 18.70.060 Animal regulations – Livestock – Management standards.
- 18.70.070 Animal regulations – Livestock – Building requirements.
- 18.70.075 Animal regulations – Livestock - Setbacks for buildings and manure storage areas.
- 18.70.080 Animal regulations – Livestock – Education and enforcement.
- 18.70.090 Nonconformances.

18.70.010

Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of *accessory uses* or activities involving the keeping of animals. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.010).]

18.70.020

Animal regulations – Small animals.

The raising, keeping, breeding or boarding of *small animals* and *household pets* are subject to Chapter 6.05 KMC, Animal Care and Control, and the following requirements:

- A. The following *household pets* shall not be limited in number, except as may be provided in KMC Title 6:
 - 1. Household pets in aquariums, terrariums, cages or similar containers;
 - 2. Cats kept indoors.
- B. Dogs kept indoors as *household pets* shall be limited to five.
- C. *Small animals*, including cats and dogs not kept indoors as *household pets* but excluding bees, shall be limited as follows:
 - 1. three per household on *lots* less than 20,000 square feet in size;
 - 2. five per household on *lots* of 20,000 to 35,000 square feet in size;
 - 3. An additional two *small animals* per acre of *site area* over 35,000 square feet up to a maximum of 20.
 - 4. The keeping of roosters is prohibited in the *city*.
 - 5. Mink and fox are permitted only on *sites* having a minimum area of five acres.
- D. Excluding *kennels* and *catteries*, the total number of unaltered adult cats and/or dogs per household shall not exceed three. All unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial *kennel* or *cattery* pursuant to Chapter 6.05 KMC.

E. All *small animals* shall be confined within a *building*, pen, aviary or similar *structure*, or a securely fenced portion of the *site*. Any covered *structure* used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except *structures* used to house mink and fox shall be a distance of not less than 150 feet.

F. An aviary or loft shall provide a minimum of one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

G. A *structure* housing poultry, hamsters, nutria, chinchilla, or rabbits shall provide a minimum of one square foot of *structure* for each animal.

H. Beekeeping is limited as follows:

1. *Beehives* are limited to 50 on *sites* less than five acres;
2. The number of *beehives* shall not be limited on *sites* of five acres or greater;
3. Colonies shall be maintained in movable-frame hives at all times;
4. Adequate space shall be provided in each hive to prevent overcrowding and swarming;
5. Colonies shall be requeened following any swarming or aggressive behavior;
6. All colonies shall be registered with the extension agent prior to April 1st of each year, on a state registration form acceptable to the *city*; and

7. Abandoned colonies, diseased bees, or bees living in *trees*, *buildings*, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 18.125 KMC, Enforcement.

I. Limits on the allowable number of *small animals* described in this section may be exceeded only through approval of a *conditional use permit*, subject to the following:

1. The minimum *site area* shall be one-half acre.
2. Aviaries or lofts shall not exceed 2,000 square feet and shall be set back at least 20 feet from any *dwelling unit*.
3. Structures used to house poultry, hamsters, nutria, chinchilla, and rabbits are limited to a maximum of 2,000 square feet.

18.70.025

Kennels and Catteries.

Kennels and catteries are subject to the following requirements:

- A. For *kennels* located on residential zoned *sites*:
 1. The minimum *site area* shall be five acres; and
 2. *Structures* housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;
- B. For *kennels* located on nonresidential zoned *sites*, run areas shall be completely surrounded by an eight-foot solid wall or *fence*; and
- C. *Catteries* shall be on *sites* of 35,000 square feet or more, and *buildings* used to house cats shall be a minimum distance of 50 feet from property lines abutting residential zones. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.020).]
- D. See Chapter 6.05 KMC for standards related to hobby kennels or catteries.

18.70.030

Animal regulations – Livestock – Purpose.

The primary purpose of sections KMC 18.70.040 through 18.70.100 is to support the raising and keeping of *livestock* in the *city* in a manner that minimizes the adverse impacts of *livestock* on the environment particularly with regard to their impacts on water quality and *salmonid* fisheries habitat in *city* watersheds. The following sections establish regulations which set *livestock* densities and require implementation of *best management practices* for minimizing non-point pollution from *livestock* in a manner that recognizes the need for integrated resource management within *city* watersheds. They are intended to be consistent with *livestock* welfare; however, these concerns are more appropriately addressed through Chapter 6.05 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.030).]

18.70.040**Animal regulations – Livestock – Densities.**

The raising, keeping, breeding or fee boarding of *livestock* are subject to Chapter 6.05 KMC, Animal Care and Control, and the following requirements:

A. The minimum lot size on which *livestock* may be kept shall be 20,000 square feet provided that the portion of the total lot area used for confinement or grazing meets the requirements of this section.

B. The maximum number of *livestock* shall be as follows:

1. Commercial dairy farms in full compliance with a Washington State Department of Ecology NPDES general or *special use permit* – as consistent with the permit requirements. Otherwise, subsection (B)(4) of this section applies.

2. The keeping of *livestock* consistent with a King County farm management plan approved prior to January 1, 2011. Otherwise subsection (B)(4) of this section applies.

3. Six resident animal units per gross acre in *stables*, barns and other *livestock* operations with covered *confinement areas*; provided, that no more than three animal units per gross acre are allowed to use uncovered grazing or *confinement areas* on a full-time basis, and the standards in KMC 18.70.060 are met.

4. For all *livestock* not covered by subsections (B)(1) (B)(2) or (B)(3) of this section, three animal units per gross acre of vegetated *site area*; provided, that the standards in KMC 18.70.060 are met.

5. For purposes of these regulations, an animal unit shall consist of one adult horse or bovine, two ponies, five *small livestock*, or equivalent thereof (excluding sucklings); provided, that miniature horses and feeder calves (up to one year of age) shall be considered *small livestock*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.040).]

18.70.060**Animal regulations – Livestock – Management standards.**

Property owners with farms containing *large livestock* at densities greater than one animal unit per two acres, and/or *small livestock* at densities greater than five animals per acre shall adhere to the following management standards. This section shall apply as long as farm practices do not result in violation of any federal, state or local water quality standards or the *critical area* regulations in KMC Chapter 18.55.

A. Livestock Watering. To minimize *livestock* access to *streams*, property owners shall utilize the following livestock watering options:

1. The preferred option shall be a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the *stream* so that *livestock* are not required to enter *streams* for their water supply.

2. *Livestock* access to *streams* and their *buffers* shall be limited to *stream* crossing and watering points approved under the provisions of KMC Chapter 18.55.

a. Fencing shall be used as necessary to prevent *livestock* access to *streams*, *wetlands* and their *buffers*.

B. Grazing and Pasture Management.

1. Fencing shall be used to establish and maintain *critical areas* and their *buffers*.

2. Fencing installed prior to August 31, 1998 at *setbacks* other than those specified in KMC Chapter 18.55 shall be deemed to constitute compliance with those requirements.

3. *Grazing areas* within 200 feet of a *stream* or *wetland* shall not be plowed during the rainy season (October 1st through April 15th).

4. *Grazing areas* may extend to the property line; provided, that *streams* and *wetlands* adjacent to the property line are buffered in accordance with KMC Chapter 18.55.

C. *Confinement Area* Management.

Confinement areas located within 200 feet of any *streams*, *wetlands* or drainageways shall:

a. Have a 20-foot wide vegetative filter strip downhill from the *confinement area*, consisting of heavy grasses or other ground cover with high stem density and which may also include *tree* cover;

b. Have roof drains of any *buildings* in the *confinement area* diverted away from the *confinement area*.

2. *Confinement areas* may extend to the property line; provided, that *streams* and *wetlands* adjacent to the property line are buffered in accordance with KMC Chapter 18.55.

D. Manure Management.

1. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas.

b. During the winter months (October 15th to April 15th), all manure stockpiled within 200 feet uphill of any *stream* or *wetland* shall be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle or other facility designed to prevent leachate from reaching any *streams* or *wetlands*. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made.

c. Manure shall be stored in a location that avoids having runoff from the manure enter *streams* or *wetlands*. Manure piles shall not be located within any *stream* or *wetland buffer*.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

18.70.070

Animal regulations – Livestock – Building requirements.

A. In residential zones, free boarding of *livestock* other than in a legally established *stable* shall only be as an *accessory use* to a residence on the subject property.

B. A barn or *stable* may contain a caretaker's *accessory living quarters* under the following conditions:

1. Only one accessory living quarter per primary detached *dwelling unit*;
2. The accessory living quarter shall not exceed 500 square feet; and
3. The *structure* must be constructed in conformance with the State Building Code.

C. A barn or *stable* may contain a caretaker's *accessory dwelling unit* as allowed pursuant to the provisions of this title relating to *accessory dwelling units*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.062).]

18.70.075

Animal regulations – Livestock - Setbacks for buildings and manure storage areas.

A. The minimum interior *setback* for any *building* used to house, confine or feed swine shall be 90 feet.

B. The minimum interior *setback* for any *building* used to house, confine or feed any other *livestock* shall be 25 feet.

C. The minimum interior *setback* for any manure storage area shall be 35 feet. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.122).]

18.70.080

Animal regulations – Livestock – Education and enforcement.

A. Education. Enforcement of these *livestock* standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions, and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in KMC 13.45.030, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.

B. Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock operator", shall be held responsible for compliance with these standards.

C. Prima Facie Evidence. Establishment and adherence to a farm management plan or the management standards provided by KMC 18.70.060 shall be prima facie proof of compliance with the regulatory provisions of KMC 13.45.040.

D. Violations of Specific Standards. The *city* shall be responsible for enforcement of the standards set out in this chapter. The *city* shall be responsible for enforcement of water quality violations pursuant to Chapter 13.45 KMC for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of noncompliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of KMC 18.70.060. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the *city*, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal

penalties, and other procedures, as set forth in this title and Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.066).]

18.70.090

Nonconformances.

Animals being lawfully kept prior to (adoption date of the ordinance) shall be allowed to remain until they are sold, moved, or have lived out their life. The city shall notify property owners regarding any known nonconforming animals so that they will not be replaced or their numbers increased following this date. Owners of nonconforming animals also shall be subject to the management practices of this chapter.

Chapter 18.73

ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

- 18.73.100 Accessory dwelling units.
- 18.73.110 Home occupation.
- 18.73.120 Home industry.
- 18.73.130 Severability.

18.73.100

Accessory dwelling units.

- A. Only one accessory dwelling is allowed per primary *single detached dwelling unit*;
- B. An *accessory dwelling unit* is allowed only in the same *building* as the primary *dwelling unit* on a *lot* that is less than 10,000 square feet in area, or on a *lot* containing more than one primary dwelling;
- C. The primary *dwelling unit* or the *accessory dwelling unit* shall be owner occupied;
- D. 1. If the *accessory dwelling unit* is attached to the primary *dwelling unit*, then the *dwelling units* shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and
2. When the primary and *accessory dwelling units* are located in the same *building*, only one entrance may be located on each *street side* of the *building*;
- 3. If the *accessory dwelling unit* is detached from the primary residence, then the *accessory dwelling unit* may be 10 percent of the lot size, or 50 percent of the primary *dwelling unit*, whichever is less;
- E. One additional off-street *parking space* shall be provided;
- F. The *accessory dwelling unit* shall be converted to another permitted use or shall be removed if one of the *dwelling units* ceases to be owner occupied;
- G. An *applicant* seeking to build an *accessory dwelling unit* shall file a notice approved by the department with the records and elections division which identifies the *dwelling unit* as accessory. The notice shall run with the land. The *applicant* shall submit proof that the notice was filed before the *department* shall approve any permit for the construction of the *accessory dwelling unit*. The required contents and form of the notice shall be set forth in administrative rules.
- H. The total number of occupants in the principal *dwelling unit* and the *accessory dwelling unit* combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC 18.20.1010.

18.73.110

Home occupation. BEING REVISED THROUGH ANOTHER PROJECT

- Residents of a *dwelling unit* may conduct one or more *home occupations* as accessory activities, provided:
- A. The total area devoted to all *home occupation(s)* shall not exceed 20 percent of the floor area of the *dwelling unit*. Areas with attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home occupation* area but may be used for storage of goods associated with the *home occupation*;

- B. In residential zones, all the activities of the *home occupation(s)* shall be conducted indoors, except for those related to growing or storing of plants used by the *home occupation(s)*;
- C. No more than one nonresident shall be employed by the *home occupation(s)*;
- D. The following activities shall be prohibited in residential zones only:
 - 1. Automobile, truck and *heavy equipment* repair;
 - 2. Autobody work or painting;
 - 3. Parking and storage of *heavy equipment*; and
 - 4. Storage of building materials for use on other properties;
- E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:
 - 1. One stall for a nonresident employed by the *home occupation(s)*; and
 - 2. One stall for patrons when services are rendered on-site;
- F. Sales shall be limited to:
 - 1. Mail order sales; and
 - 2. Telephone sales with off-site delivery;
- G. Services to patrons shall be arranged by appointment or provided off-site;
- H. The *home occupation(s)* may use or store a vehicle for pickup of materials used by the *home occupation(s)* or the distribution of products from the *site*, provided:
 - 1. No more than one such vehicle shall be allowed;
 - 2. Such vehicle shall not park within any required *setback* areas of the *lot* or on adjacent *streets*; and
 - 3. Such vehicle shall not exceed a weight capacity of one ton;
- I. The *home occupation(s)* shall not use electrical or mechanical equipment that results in:
 - 1. A change to the occupancy type of the *structure(s)* used for the *home occupation(s)*;
 - 2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 - 3. Fluctuations in line voltage off-premises; and
- J. *Uses* not allowed as *home occupations* may be allowed as a *home industry* pursuant to Chapter 18.73 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.080).]

18.73.120**Home industry. BEING REVISED THROUGH ANOTHER PROJECT**

- A resident may establish a *home industry* as an accessory activity, provided:
 - A. The *site area* shall be no less than one acre;
 - B. The area of the *home industry* shall not exceed 50 percent of the floor area of the *dwelling unit*. Areas within attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home industry* area but may be used for storage of goods associated with the *home occupation*;
 - C. No more than four nonresidents shall be employed in a *home industry*;
 - D. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:
 - 1. One stall for each nonresident employee of the *home industry*; and
 - 2. One stall for customer parking;
 - E. Additional customer parking shall be calculated for areas devoted to the *home industry* at the rate of one stall per:
 - 1. One thousand square feet of *building* floor area; and
 - 2. Two thousand square feet of outdoor work or storage area;
 - F. Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;
 - G. Ten feet of Type I *landscaping* shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and
 - H. The city manager shall ensure compatibility of the *home industry* by:
 - 1. Limiting the type and size of equipment used by the *home industry* to those which are compatible with the surrounding neighborhood;
 - 2. Providing for *setbacks* or screening as needed to protect adjacent residential properties;
 - 3. Specifying hours of operation;
 - 4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels which may be excessive. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.090).]

18.73.130

Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0026 §§ 1, 2 (KCC 21A.30.200).]

Chapter 18.77

AFFORDABLE HOUSING

Sections:

- 18.77.010 Affordable housing – Purpose and intent.
- 18.77.020 Applicability.
- 18.77.030 Requirements.

18.77.010

Affordable housing – Purpose and intent.

The purpose of this chapter is to implement, through regulations, the responsibility of the *city* under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the *city*. The *city* recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income. [Ord. 03-0175 § 47.]

18.77.020

Applicability.

The provisions of this chapter shall apply to multifamily residential *developments* proposed on property four acres or greater in size within the downtown residential or downtown commercial zones that lie west of NE 68th Avenue NE, and which are providing for more than 20 *multiple family dwelling units*. [Ord. 03-0175 § 47.]

18.77.030

Requirements.

A. Affordable housing units amounting to 25 percent of the total number of units in the *development* shall be provided. Rents shall be affordable to those who make equal to or less than 50 percent of the King County median income; or

B. In lieu of meeting the requirements of subsection (A) of this section, a comparable level of benefit may be provided as determined by the *city*; for example, providing ownership housing affordable to those earning equal to or less than 80 percent of the median income at rates recognizing the difficulty in providing the units at the particular affordability level.

C. Unit size mix shall be comparable to the market mix, units shall be integrated into the whole *development*, and affordable units shall match the tenure of the whole *development*, unless otherwise authorized by the *city*.

D. Subject to *city* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, or regional business zone. Units may be either rented or sold. Off-site affordable housing may be provided if the *city* finds that:

1. The location chosen does not lead to undue concentration of affordable housing in any particular area of the *city*; and
2. The *site* is within close proximity to employment opportunities and/or transit services; and
3. Adequate infrastructure and municipal services can be provided.

E. Monthly rents, including utilities where applicable, shall be no greater than 30 percent of the monthly income for households earning 50 percent of the King County median income adjusted for household size. Sold units shall be sold to buyers earning equal to or less than 80 percent of the King County median income. Home prices considered affordable shall be determined by the *city*. Covenants shall be established which guarantee the fulfillment of this obligation. [Ord. 03-0175 § 47.]

Chapter 18.80

RESIDENTIAL DENSITY INCENTIVES

Sections:

- 18.80.010 Purpose.
- 18.80.020 Permitted locations of residential density incentives.
- 18.80.030 Maximum densities permitted through residential density incentive review.
- 18.80.040 Public benefits and density incentives.
- 18.80.050 Rules for calculating total permitted dwelling units.
- 18.80.060 Review process.
- 18.80.070 Minor adjustments in final site plans.
- 18.80.080 Applicability of development standards.
- 18.80.090 Transfer rules.

18.80.010

Purpose.

The purpose of this chapter is to provide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of *sites* containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment. [Ord. 03-0175 § 48; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.010).]

18.80.020

Permitted locations of residential density incentives.

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

- A. In R-4 through R-24 and downtown residential zones; and
- B. In DC, NB, CB, and RB zones when part of a *mixed use development*. [Ord. 03-0175 § 49; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.020).]

18.80.030

Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the *development site*. [Ord. 03-0175 § 50; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.030).]

18.80.040

Public benefits and density incentives.

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

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

C. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of density credit (TDC)* process by providing any of the *open space, park* site public benefits set forth in subsections (E)(2) or (E)(3) of this section on *sites* other than that of the RDI *development*.

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

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

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>city</i> shall be recorded at final approval.	2.0 bonus units per benefit unit.
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>city</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.

BENEFIT	DENSITY INCENTIVE
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the <i>site</i> that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the <i>city</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the <i>city</i> on both buyer eligibility and housing prices.	2.0 bonus units per benefit unit.
f. Benefit units consisting of <i>mobile home park</i> space or pad reserved for the relocation of an insignia or noninsignia <i>mobile home</i> , that has been or will be displaced due to closure of a <i>mobile home park</i> located in the <i>city</i> .	1.0 bonus unit per benefit unit.
2. OPEN SPACE, TRAILS AND PARKS	
a. Dedication of <i>park</i> site or <i>trail</i> right-of-way meeting the <i>city</i> location and size standards for neighborhood, community or regional <i>park</i> , or <i>trail</i> , and accepted by the <i>department</i> .	0.5 bonus unit per acre of <i>park</i> area or quarter-mile of <i>trail</i> exceeding the minimum requirement of Chapter 18.30 KMC for on-site recreation space or <i>trail</i> corridors, computed on the number of <i>dwelling units</i> permitted by the <i>site's</i> base density.

BENEFIT	DENSITY INCENTIVE
b. Improvement of dedicated <i>park</i> site to <i>city</i> standards for developed <i>parks</i> .	0.75 bonus unit per acre of <i>park</i> improvement. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated <i>trail</i> segment to <i>city</i> standards.	1.8 bonus units per quarter-mile of <i>trail</i> constructed to <i>city</i> standard for pedestrian <i>trails</i> ; or 2.5 bonus units per quarter-mile of <i>trail</i> constructed to <i>city</i> standard for multipurpose <i>trails</i> (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of <i>open space</i> , meeting <i>city</i> acquisition standards to the <i>city</i> or a qualified public or <i>private</i> organization such as a nature conservancy.	0.5 bonus unit per acre of <i>open space</i> .

[Ord. 03-0175 § 51; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.040).]

18.80.050

Rules for calculating total permitted dwelling units.

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

DUs allowed by +	Bonus DUs	DUs allowed by	TOTAL
	+	=	RDI
RDI site base		<i>sending site</i>	DUs
Density		density (if any)	

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

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter 18.30 KMC;
 2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC 18.80.040;
 3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;
 4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;
 5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down;
- and

6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.050).]

18.80.060**Review process.**

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

1. For the purpose of this section, a primary proposal is defined as a proposed subdivision, short subdivision of more than four lots, *conditional use permit* or commercial building permit.

2. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;

3. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be subject to the decision criteria for *conditional use permits* outlined in Chapter 18.115 KMC and to the procedures set forth for *city manager/hearing examiner* review in this title; and

4. The notice for the RDI proposal also shall include the *development's* proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.060).]

18.80.070**Minor adjustments in final site plans.**

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

- A. Increase the number of *dwelling units*;
- B. Decrease the amount of perimeter *landscaping* (if any);
- C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);
- D. Locate *structures* closer to any *site* boundary line; or
- E. Change the locations of any points of ingress and egress to the *site*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.34.070).]

18.80.080**Applicability of development standards.**

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

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

1. When 75 percent or more of the units in the RDI *development* consists of *townhouses* or *apartments*, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapter 18.35 and 18.57 KMC for *townhouse* or *apartment* projects.

2. When less than 75 percent of the units in the RDI consists of *townhouses* or *apartments*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapter 18.35 and 18.57 KMC for *townhouses* or *apartments* on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapter 18.35 and 18.57 KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapter 18.35 and 18.57 KMC.

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

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. Market rate/bonus units at levels consistent with Chapter 18.40 KMC; and

b. Benefit units at:

i. One or two bedrooms: one *parking space* per unit;

ii. Three bedrooms: 1.5 *parking spaces* per unit;

iii. Parking may be further reduced if a parking demand analysis is provided per KMC 18.40.030(B).

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

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

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

a. Market rate/bonus units at levels consistent with Chapter 18.30 KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units. [Ord. 03-0175 § 52; Ord. 98-0026 §§ 1, 2 (KCC 21A.34.080).]

18.80.090

Transfer rules.

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

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

C. Density credits from one *sending site* may be allocated to more than one *receiving site*. The credit from each segment shall be allocated to a specified *receiving site*.

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

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

F. Upon submitting an application to develop a *receiving site* under the provisions of this chapter, the *applicant* shall provide evidence of ownership or full legal control of all *sending sites* proposed to be used in calculating total density on the *receiving site*. It shall be the *applicant's* responsibility, prior to application, to ascertain what form of permanent protection of the *sending site* will be acceptable to the *city*.

G. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a completed and recorded land dedication or conservation easement.

H. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.36.050).]

Chapter 18.100**GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES**

Sections:

- 18.100.010 Purpose.
- 18.100.020 Nonconformance – Applicability.
- 18.100.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.
- 18.100.040 Nonconformance – Abatement of illegal use, structure or development.
- 18.100.050 Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.
- 18.100.060 Nonconformance – Modifications to nonconforming use, structure, or site improvement.
- 18.100.070 Nonconformance – Expansions of nonconforming uses, structures, or site improvements.
- 18.100.080 Nonconformance – Required findings.
- 18.100.085 Existing legal uses abandonment.
- 18.100.087 Existing legal uses expansion.
- 18.100.090 Nonconformance – Residences.
- 18.100.100 Temporary use permits.
- 18.100.110 Temporary use permits – Exemptions to permit requirement.
- 18.100.120 Temporary use permits – Duration and frequency.
- 18.100.125 Temporary use permits -- Decision criteria.
- 18.100.130 Temporary use permits – Parking.
- 18.100.140 Temporary use permits – Traffic control.
- 18.100.150 Temporary construction buildings.
- 18.100.160 Temporary construction residence.
- 18.100.170 Temporary mobile home for medical hardship.
- 18.100.180 Temporary real estate offices.
- 18.100.190 Temporary school facilities.

18.-100.010**Purpose.**

The purposes of this chapter are to:

- A. Establish the legal status of a *nonconformance* by creating provisions through which a *nonconformance* may be maintained, altered, reconstructed, expanded or terminated;
- B. Establish the rules for an *existing legal use* by creating provisions through which an *existing legal use* may be maintained, altered, reconstructed, expanded or terminated; and
- C. Provide for the temporary establishment of *uses* that are not otherwise permitted in a zone or that do not meet all development standards of a zone and to regulate such *uses* by their scope and period of use.

18.100.020**Nonconformance – Applicability.**

- A. All *nonconformances* shall be subject to the provisions of this chapter.
- B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - 1. The requirements of the Uniform Building and Fire Codes; or
 - 2. The provisions of this code beyond the specific *nonconformance* addressed by this chapter. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.020).]

18.100.030**Nonconformance – Creation, continuation, and forfeiture of nonconformance status.**

Once created pursuant to KMC 18.20.1860, a *nonconformance* may be continued in a manner consistent with the provisions of this chapter. However, *nonconformance* status is forfeited if the *nonconformance* is discontinued beyond the provisions of KMC 18.100.050. Once *nonconformance* status is forfeited, the *nonconformance* shall not be re-established. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.025).]

18.100.040**Nonconformance – Abatement of illegal use, structure or development.**

Any *use*, *structure* or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.040).]

18.100.050**Nonconformance –
Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.**

A nonconforming *use* which has been discontinued, or a nonconforming *structure* or site improvement which has been damaged or destroyed, may be re-established or reconstructed if:

A. The nonconforming *use*, *structure*, or site improvement which previously existed is not expanded;

B. A new *nonconformance* is not created;

C. The *use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a complete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits; and

D. Requests for extension of the period identified in subsection (C) of this section to continue the *use* or submit construction applications may be made to the *city manager* in writing prior to the expiration of 12-month period, and shall be treated as a Type 2 permit review. The *city manager* shall determine whether to grant the extension for *use* continuance or reconstruction on (i) the basis of a good faith effort by the *applicant* either to lease property or to make a complete application or pursue the fulfillment of approved *development permits* with diligence, and (ii) extenuating circumstances beyond the control of the *applicant* have caused a delay towards continuing the *use* or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a *use*, or delays in financing. [Ord. 03-0175 § 42; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.045).]

18.100.060**Nonconformance – Modifications to nonconforming use, structure, or site improvement.**

Modifications to a nonconforming *use*, *structure*, or site improvement may be reviewed and approved by the *department* provided that:

A. The modification does not expand or intensify any existing *nonconformance*; and

B. The modification does not create a new type of *nonconformance*. Proposed expansions of a *nonconformance* are governed by KMC 18.100.070. [Ord. 03-0175 § 43; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.055).]

18.100.070**Nonconformance – Expansions of nonconforming uses, structures, or site improvements.**

A nonconforming *use*, *structure*, or site improvement may be expanded, provided the expansion does not extend beyond the original parcels at the time the *use* or *structure* or site improvements became nonconforming, only as follows:

A. The *department* may review and approve an expansion of a *nonconformance* provided that:

1. The expansion shall conform to all other provisions of this title, except that the extent of the project-wide *nonconformance* in each of the following may be increased up to 10 percent:

a. Building square footage (for a *floor area ratio* or building size *nonconformance*);

- b. *Impervious surface*;
- c. Parking; or
- d. Building height.

2. Unless provisions specifically indicate conditions under which full compliance with standards are required, when expansions are proposed pursuant to subsections (A), (B) or (C) of this section, the percentage (by value) of the required code compliance standards to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing *lot* and *structure* improvements up to 100 percent; the *city manager* shall have the authority to specify the location and phasing sequence of the required improvements which fall under this section. The percentage (by value) of the required design or development standards to be installed shall be related to the *building* or site improvement proposed by the *applicant*. For example, if parking expansions are proposed, parking lot *landscaping* requirements may be applied.

3. No subsequent expansion of the same *nonconformance* shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

4. Where an accessory *drive-through service use* is determined to be nonconforming, but expansion of the principal allowed *use* is authorized, the nonconforming accessory *drive-through service* activity may be retained along with the expanded principal allowed *use*, provided the accessory *drive-through service* meets required design standards and is not increased in size or scope.

B. A *special use permit* shall be required for expansions of a *nonconformance* within a *development* authorized by an existing *special use permit* if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A *conditional use permit* shall be required for expansions of a *nonconformance* not consistent with the provisions of subsections (A) and (B) of this section.

D. No expansion shall be approved that would conflict with *city* comprehensive plan policies. [Ord. 03-0189 § 1; Ord. 03-0175 § 44; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.065).]

18.100.080

Nonconformance – Required findings.

Modifications or expansions approved by the *department* shall be based on written findings that the proposed modification or expansion of a *nonconformance* located within a *development* governed by an existing *conditional use permit* or *special use permit* shall provide the same level of protection for and compatibility with adjacent land *uses* as the original land use permit approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.075).]

18.100.085

Existing legal uses abandonment.

If an *existing legal use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a complete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits, such *existing legal use* may be retained.

18.100.087

Existing legal uses expansion.

Uses listed as permitted “*existing legal*” *uses* in a zone may be rebuilt or re-established should they suffer damage. These *uses* may be remodeled or enlarged subject to current development code requirements (e.g., height limits, lot coverage, density limits, *setbacks*, parking, etc.). Expansion may occur on original parcels containing the *use* as of the effective date of “*existing legal*” status. Expansion of *existing legal uses* may be permitted to adjacent parcels if the adjacent parcels were and are still owned or leased by the same business or residential *use* owner at the time the *use* became *existing legal*. [Ord. 03-0175 § 46.]

18.100.090

Nonconformance – Residences.

Any residence nonconforming relative to *use* may be expanded, after review and approval, subject to all other applicable codes besides those set forth in this chapter for *nonconformances*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.085).]

18.100.100**Temporary use permits.**

A temporary use permit is a mechanism by which the *city* may permit a *use* to locate within the *city* on an interim basis, without requiring full compliance with the development standards or by which the *city* may permit seasonal or transient *uses* not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

- A. *Uses* not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
- B. *Uses* permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or
- C. Limited expansion of any *use* that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.100).]

18.100.110**Temporary use permits – Exemptions to permit requirement.**

A. Any *use* not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

B. The following *uses* shall be exempt from requirements for a temporary use permit when located in the RB, CB, DC, PSP, P, or NB zones for the time period specified below:

- 1. *Uses* not to exceed a total of 30 days each calendar year:
 - a. Christmas tree lots; and
 - b. Produce stands.
- 2. *Uses* not to exceed a total of 14 days each calendar year:
 - a. Amusement rides, carnivals, or circuses;
 - b. Community festivals; and
 - c. Parking lot sales.

C. Any community event held in a *park* and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit. [Ord. 08-0293 § 2; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.110).]

D. Temporary uses or activities, conducted during an *emergency* event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.02.040).]

18.100.120**Temporary use permits – Duration and frequency.**

Temporary use permits shall be limited in duration and frequency as follows:

- A. The temporary use permit shall be effective for up to 365 days after issuance by the *city manager*;
- B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually take place. This time limit may be extended by the *city* council following a public hearing on the proposal.
- C. The temporary use permit shall specify a date upon which the *use* shall be terminated and removed; and
- D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 06-0249 § 1; Ord. 99-0052 § 3; Ord. 98-0026 §§ 1, 2 (KCC 21A.32.120).]

18.100.125**Temporary use permits – Decision criteria.**

A temporary use permit shall be granted by the *city*, only if the *applicant* demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land *uses* in the immediate vicinity in terms of noise and hours of operation; and

C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner.

18.100.130**Temporary use permits – Parking.**

Parking and access for proposed temporary uses shall be approved by the *city*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.130).]

18.100.140**Temporary use permits – Traffic control.**

The *applicant* for a proposed temporary use shall provide any parking/traffic control attendants as specified by the *department*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.140).]

18.100.150**Temporary construction buildings.**

Temporary *structures* for storage of tools and equipment, or for supervisory offices may be permitted for construction projects; provided, that such *structures* are:

- A. Allowed only during periods of active construction; and
- B. Removed within 30 days of project completion or cessation of work. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.150).]

18.100.160**Temporary construction residence.**

A. A *mobile home*, motor home, travel trailer, or truck camper may be permitted on a *lot* as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the *site* has been obtained and adequate provisions are made for utility services, including potable water and waste water disposal.

B. The temporary construction residence permit shall be effective as long as the building permit for the permanent dwelling on the *site* is active.

C. The temporary construction residence shall be removed within 90 days of:

- 1. The expiration of the building permit for the permanent dwelling on the site; or
- 2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.160).]

18.100.170**Temporary mobile home for medical hardship.**

A. A *mobile home* may be permitted as a temporary dwelling on the same *lot* as a permanent dwelling, provided:

1. The *mobile home* together with the permanent residence shall meet the *setback*, height, building footprint, and lot coverage provisions of the applicable zone; and

2. The *applicant* submits with the permit application a notarized affidavit that contains the following:

a. Certification that the temporary dwelling is necessary to provide *daily care*, as defined in Chapter 18.20 KMC;

b. Certification that the primary provider of such *daily care* will reside on-site;

c. Certification that the *applicant* understands the temporary nature of the permit, subject to the limitations outlined in subsections (B) and (C) of this section;

d. Certification that the physician's signature is both current and valid; and

e. Certification signed by a physician that a resident of the subject property requires *daily care*, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection (A) of this section.

C. The *mobile home* shall be removed within 90 days of:

- 1. The expiration of the temporary mobile home permit; or
- 2. The cessation of provision of *daily care*. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.170).]

18.100.180**Temporary real estate offices.**

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The office *use* shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for an *apartment development*, and within two years of the recording of a formal subdivision or short subdivision of more than four lots. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.180).]

18.100.190**Temporary school facilities.**

Temporary school *structures* may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such *structures*:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 98-0026 §§ 1, 2 (KCC 21A.32.190).]

Chapter 18.105**SITE PLAN REVIEW**

Sections:

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

18.105.010**Purpose.**

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

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

18.105.020**Applicability.**

- A. An application for site plan review shall be submitted for the following *development proposals*:
 - 1. *Development* on *sites* identified on the city's Site Plan Review Map;
 - 2. *Development* on *sites* equal to or greater than three acres in size at the time of application in the PSP zone;
 - 3. *Development* proposed for *classified uses* which are neither permitted, nor conditionally permitted, nor prohibited in the P, GC or PSP zones; or

4. *Development* on other *sites* as determined by the *city manager* after a preliminary review of the project's scope.
- B. An application for site plan review may be submitted by an applicant for any *development proposal*.
- C. A site plan review is separate from and does not replace other required land use permits. A site plan review may be combined and reviewed concurrently with other land use permits, however.
- D. If required or requested under subsections (A) or (B) above, an applicant shall receive a site plan review prior to the issuance of building, mechanical, plumbing, electrical, clearing, grading, engineering, or other similar administrative permits.
- E. Proposed expansion of existing *development* for *sites* described under subsection (A), with or without an approved site plan review, shall require a new site plan review when such changes are determined by the *city manager* to be a major modification. For purposes of this section, factors to be considered when determining whether an expansion is a major modification include but are not limited to relocation of access or parking, addition of a building, or incorporation of an additional lot.
- F. An applicant may request a waiver of the site plan review requirement from the *city manager*. Such waiver shall be based on a preliminary review of the development proposal and a written finding that the proposal is consistent with the comprehensive plan and the requirements of this title, is minor in scope, and will have no adverse effects on neighboring properties or the city as a whole.

18.105.030**Process.**

A site plan review shall be processed as follows:

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

18.105.040**Application of development standards.**

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

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

The *city manager* may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the *city*; provided, the *site* is being reviewed concurrently with a binding site plan application.

18.105.050**Approval.**

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

1. Conformity with adopted *city* and state rules and regulations in effect on the date the complete application was filed;
2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title;
3. Compatibility with the character and appearance of existing or proposed development in the vicinity of the subject property;
4. Compatibility with plans for existing and proposed pedestrian and vehicular traffic in the vicinity of the subject property; and
5. Conformity with the *city's* comprehensive plan.

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

C. Approval of the site plan review shall not provide the *applicant* with a vested right to build without regard to subsequent changes in the building and fire codes listed in KMC Title 15 regulating construction.

18.105.070

Limitation of permit approval.

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

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

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

1. Initial building permits have not been submitted or the project has not been completed due to causes beyond the *applicant's* control, such as litigation, acts of God, unanticipated *site* conditions or adverse economic market conditions;

2. The *applicant* has shown a good faith effort to commence or complete the project within the time previously allotted;

3. Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The *city manager* has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and

4. The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts.

18.105.090

Administrative rules.

The *city manager* may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter.

Chapter 18.115

VARIANCE, CONDITIONAL USE, SPECIAL USE, AND ZONE RECLASSIFICATION PERMITS AND MODIFICATIONS

Sections:

18.115.010 Purpose.

18.115.030 Variance.

18.115.040 Conditional use permit.

18.115.050 Special use permit.

18.115.060 Zone reclassification.

18.115.065 Permit expirations.

18.115.080 Modifications or expansions of uses or developments authorized by existing conditional use or special use permits – When use now permitted outright.

18.115.090 Modifications or expansions of uses authorized by existing conditional use or special use permits – Required findings.

18.115.100 Modifications and expansions – Uses or development authorized by existing conditional use or special use permits.

18.115.010**Purpose.**

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

- A. Providing clear criteria on which to base a decision;
- B. Recognizing the effects of unique circumstances upon the development potential of a property;
- C. Avoiding the granting of special privileges;
- D. Avoiding *development* which may be unnecessarily detrimental to neighboring properties;
- E. Requiring that the design, scope and intensity of *development* is in keeping with the physical aspects of a *site* and adopted land use policies for the area; and
- F. Providing criteria which emphasize protection of the general character of neighborhoods. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.010).]

18.115.030**Variance.**

A *variance* shall be granted by the *city*, only if the *applicant* demonstrates all of the following:

- A. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- B. The *variance* is necessary because of the unique size, shape, topography, or location of the subject property;
- C. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- D. The *variance* does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;
- E. The *variance* does not relieve an *applicant* from any of the procedural provisions of this title;
- F. The *variance* does not relieve an *applicant* from any standard or provision that specifically states that no *variance* from such standard or provision is permitted;
- G. The *variance* does not relieve an *applicant* from conditions established during prior permit review or from provisions enacted pursuant to Chapter 18.47 KMC, General Provisions – Property-Specific Development Standards/Special District Overlays;
- H. The *variance* does not allow establishment of a *use* that is not otherwise permitted in the zone in which the proposal is located;
- I. The *variance* does not allow the creation of *lots* or densities that exceed the base residential density for the zone by more than 10 percent;
- J. The *variance* is the minimum necessary to grant relief to the *applicant*;
- K. The *variance* from *setback* or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
- L. The *variance* does not relieve an *applicant* from any provisions of Chapter 18.55 KMC, Critical Areas, except for required buffer widths and building setbacks. *Variances* to the buffer width and building setback provisions of Chapter 18.55 KMC also are addressed in KMC 18.55.170. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.030).]

18.115.040**Conditional use permit.**

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

- A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing or proposed *development* in the vicinity of the subject property;
- B. The location, size and height of *buildings*, *structures*, walls and *fences*, and screening *vegetation* for the conditional use shall not hinder neighborhood circulation or discourage the permitted *development* or *use* of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

E. The conditional use is not in conflict with the health and safety of the community;

F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.040).]

18.115.050

Special use permit.

A *special use permit* shall be granted by the *city*, only if the *applicant* demonstrates that:

A. The characteristics of the special use will not be unreasonably incompatible with the types of *uses* permitted in surrounding areas;

B. The special use will not materially endanger the health, safety and welfare of the community;

C. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

D. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

E. The location, size and height of *buildings, structures, walls and fences*, and screening *vegetation* for the special use shall not hinder or discourage the appropriate *development* or *use* of neighboring properties; and

F. The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this title. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.050).]

18.115.060

Zone reclassification.

A *zone reclassification* shall be granted only if the *applicant* demonstrates that the proposal complies with the criteria for approval specified in KMC 19.30.210 and 19.30.220 and is consistent with the comprehensive plan and applicable functional plans. [Ord. 98-0026 §§ 1, 2 (KCC 21A.44.060).]

18.115.065

Permit expirations.

A. Establishment of any *use* or development activity authorized pursuant to a *conditional use permit* or *variance* shall occur within four years of the effective date of the decision for such permit or *variance*. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to establish the *use* or authorize the development activity and has provided written justification for the extension.

B. For the purpose of this section, “establishment” shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized *use* or development activity; provided, that the improvements or development activity authorized by such permits are completed within the timeframes of said permits.

C. Once a *use*, activity or improvement allowed by a *conditional use permit* or *variance* has been established, it may continue as long as all conditions of permit issuance are met. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.090).]

D. Expiration dates for *special use permits* shall be determined through the land use decision process and shall be specified in the conditions of approval.

18.115.080

Modifications or expansions of uses or developments authorized by existing conditional use or special use permits – When use now permitted outright.

Proposed modifications or expansions to a *use* or *development* authorized by an existing *conditional use* or *special use permit* shall not require an amendment to the existing permit if the *use* is now permitted outright in the zone district in which it is located. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.160).]

18.115.090**Modifications or expansions of uses authorized by existing conditional use or special use permits – Required findings.**

Modifications or expansions approved by the *department* shall be based on written findings that the proposed modifications or expansions provide the same level of protection for and compatibility with adjacent land *uses* as the original land use permit. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.170).]

18.115.100**Modifications and expansions – Uses or development authorized by existing conditional use or special use permits.**

A. The *department* may review and approve an expansion of a *use* or *development* authorized by an existing *conditional use* or *special use permit* provided that:

1. The expansion shall conform to all provisions of this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to 10 percent:

- a. Building square footage;
- b. *Impervious surface*;
- c. Parking; or
- d. Building height.

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

B. A *conditional use permit* shall be required for expansions within a *use* or *development* authorized by an existing *conditional use permit* if the expansions are not consistent with the provisions of subsection (A) of this section.

C. A *special use permit* shall be required for expansions within a *use* or *development* authorized by an existing *special use permit*, if the expansions are not consistent with the provisions of subsection (A) of this section.

D. This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in KMC 18.60.130 or to modifications or expansions of *nonconformances*, the provisions for which are set forth in KMC 18.100.070. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.190).]

Chapter 18.120**MASTER PLANS**

Sections:

- 18.120.010 Master plan chapter purpose.
- 18.120.020 Master plans authorized.
- 18.120.030 Master plan contents.
- 18.120.040 Master plan approval process.
- 18.120.045 Approved master plans.
- 18.120.050 Modifications of an approved master plan.
- 18.120.060 Vesting and time limitations.

18.120.010**Master plan chapter purpose.**

This chapter is intended to detail the procedures and responsibilities of the *city* in the processing, consideration and action on proposed *master plans*. *Master plans* are authorized or required for certain *uses* or activities within the comprehensive plan or certain zone districts. These *uses* may have unique characteristics or potential impacts to the community, and require review and opportunity for public comment. A *master plan* may also be requested by an applicant to guide development over a period of years and to clarify vesting rights. It is expected that approval of a *master plan* will guide *development* within the affected area for a period of at least 10 years. *Master plan* approval is also intended to allow quicker review and processing of individual, phased construction projects with greater certainty than would be possible if a *master plan* did not exist. [Ord. 08-0293 § 2.]

18.120.020**Master plans authorized.**

Master plans are authorized or are required as follows:

A. Comprehensive Plan Requirement. Where specified in the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone.

B. Zoning – Requirement or Authorization.

1. Parks, Golf Course, or Public and Semi-Public Zones. Master plans may be proposed for permitted or conditionally permitted uses in a phased manner for a minimum 10-year planning period.

2. P-Suffix Conditions. Required to develop allowed *uses* in certain zones with P-suffix conditions pursuant to KMC 18.47.030.

C. Other.

1. Authorized or required in ordinances or *development agreements* approved by the city. [Ord. 08-0293 § 2.]

2. Elected by an applicant.

18.120.030**Master plan contents.**

A. *Master plans* shall contain the following information:

1. For properties with *master plans* authorized or required as stated in KMC 18.120.020 except the parks zone and P-suffix conditions:

a. A *master plan* shall provide a general narrative description of all long-term land *uses*, circulation and infrastructure, open space, and development phasing for an area or property to guide future *development*.

b. The *master plan* shall, in a general manner, depict the *site* layout by showing development areas by type of land *use*, circulation patterns, *site* access, utilities, infrastructure, maximum square footage of *uses* (if applicable), and any open space areas and *buffers*.

c. The plan shall also illustrate the relationship between the *site* and adjoining properties.

d. It is intended that *master plan* maps and graphics be developed in a general conceptual manner.

2. *Master plans* for properties included in the parks zone:

a. *City-Owned Parks*. *Master plans* shall consist of *city* parks and recreation functional plans or other legislatively approved conceptual plans.

b. *Noncity-Owned Parks*. *Master plans* shall conform to the requirements in subsection (A)(1) of this section.

c. Any *Property Zoned Parks*. Any single *master plan* proposal submitted to the *city* for approval shall include a *park* or recreation *use* for the overall area included in the *master plan* application.

3. *Master plans* for properties with P-suffix conditions per KMC 18.120.020(B). *Master plans* shall contain the information required in the P-suffix condition.

18.120.040**Master plan approval process.**

A. *Master Plan* Approval Process.

1. Comprehensive Plan Requirement. *Master plans* that are required by the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone shall be subject to the Type 5 permit process.

2. Zoning Requirement or Authorization.

a. Parks, Golf Course, or Public and Semi-Public Zones.

(1) *City-Owned Property*: The *city* of Kenmore may prepare and amend *master plans* for *city* property subject to *city* council approval.

(2) *Noncity-Owned Property*: Type 4.

b. P-Suffix Condition: Type 4.

3. Other.

a. Authorized or required in ordinances or *development agreements* approved by the city: Consistent with adopting ordinance or *development agreement*, but no less than Type 2 process.

b. Elected by an applicant: Type 4.

B. *Master Plan* Approval Criteria. At a minimum, *master plans* shall be consistent with the review criteria contained in KMC 18.115.050 (same as special use criteria). *Master plans* shall also be consistent with review criteria specified in any applicable P-suffix conditions, ordinance, *development agreements*, or recorded instrument.

C. Consistency with *Master Plan*. All property identified in the *master plan* shall be developed in a manner consistent with the provisions of the *master plan*. [Ord. 09-0304 § 5 (Exh. C); Ord. 08-0293 § 2.]

D. A site with an approved master plan does not require a site plan review pursuant to KMC Chapter 18.105 prior to submittal of building or other development permits.

18.120.045

Approved master plans.

A. Parks Zone. The following *master plans* have been approved by the *city* as of December 11, 2006, for *city*-owned *park* property. Please contact the *city* for an up-to-date list of approved *master plans* or for *master plans* in progress.

a. City of Kenmore Parks and Recreation Master Plan, April 2003 (all *city parks* except Northshore Summit).

b. Conceptual *master plans* as revised and updated in 2006: Wallace Swamp Creek Park, Linwood Park, Northshore Summit Park, Tracey Owen Station, Kenmore (Rhododendron) Park, Moorlands Park.

B. Bastyr University Master Plan, December 2009, approved by *city* Ordinance 09-0304.

C. Lakepointe Mixed Use Development Master Plan, August 1998.

18.120.050

Modifications of an approved master plan.

A. Project sponsors may submit an application(s) to modify approved *master plans*. Modifications that do not substantially change the nature or level of *use* or that do not require a new environmental review may be considered minor amendments and may be approved by the *city manager* as a Type 2 decision or in accordance with the permit process authorized in an ordinance, *development agreement*, or recorded instrument.

B. Modifications that would result in a substantial change of use, or substantially change the nature or level of activity, or that would require the need for additional environmental review, shall be considered a major modification and shall be processed consistent with the permit type required to establish the original *master plan* in KMC 18.120.040 or in accordance with the permit process authorized in an ordinance, *development agreement*, or recorded instrument. [Ord. 08-0293 § 2.]

18.120.060

Vesting and time limitations.

Unless alternative vesting and time limitations are stated in the approval of a *master plan* and specified in an ordinance, *development agreement*, or recorded instrument as appropriate, the following shall apply:

A. Time Limitations. An approved *master plan* shall remain in effect for a period of not less than 10 years, subject to the following conditions:

1. Submittal of biennial status reports to the *city manager* during the term of the *master plan* no later than December 31st of each biennial period;

2. Submittal of interim reports to the *city manager* regarding any proposed changes or revisions to the *master plan* implementation schedule no later than December 31st of each biennial period;

3. Issuance of construction permits for at least one-half of the new construction projects identified in each phase of the *master plan* implementation schedule no later than the projected completion date for the particular phase.

B. Vesting. *Master plans* shall be vested to the regulations in effect at the time of approval, as specified by ordinance, *development agreement*, or recorded instrument. Such vesting measures shall not preclude the *city* from taking such actions as shall be necessary to protect the public health and safety. [Ord. 08-0293 § 2.]

Chapter 18.125 BEING REVISED THROUGH ANOTHER PROJECT**ENFORCEMENT**

Sections:

- 18.125.010 Purpose.
- 18.125.020 Authority and application.
- 18.125.030 Permits.
- 18.125.040 Violations defined.
- 18.125.050 Permit suspension, revocation or modification.
- 18.125.060 Initiation of revocation or modification proceedings.

18.125.010**Purpose.**

The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in Chapter 1.20 KMC, when violations of this title occur. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.010).]

18.125.020**Authority and application.**

The *city manager* is authorized to enforce the provisions of this code, any implementing administrative rules, administration, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of Chapter 1.20 KMC. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.020).]

18.125.030**Permits.**

All home businesses, home industries, *accessory dwelling units*, changes of *use*, additions to a nonconforming *structure*, or changes in ownership or operation of a nonconforming *structure* or *use* shall apply for and receive a *city*-issued zoning permit, which shall set forth conditions of operation and ensure appropriate zoning. The *city manager* shall be responsible for determining when a zoning permit is required and how a zoning permit shall be processed in conjunction with other permits that may be required. The fee for a zoning permit shall be imposed by the *city council* by resolution. [Ord. 02-0139 § 1; Ord. 99-0052 § 2; Ord. 98-0026 § 13.]

18.125.040**Violations defined.**

No building permit or land use approval in conflict with the provisions of this title shall be issued. *Structures* or *uses* which do not conform to this title, except legal *nonconformances* specified in Chapter 18.100 KMC and approved *variances*, are violations subject to the enforcement, penalty and abatement provisions of Chapter 1.20 KMC, including but not limited to:

- A. Establishing a *use* not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a *structure* in violation of *setback*, height and other dimensional standards in this title;
- C. Establishing a permitted *use* without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited to, road construction, surface water management, the Fire Code, and rules of the department of public health;
- D. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
- E. Failing to secure required land use or permit approval prior to establishing a permitted *use*; and
- F. Failing to maintain *site* improvements, such as *landscaping*, parking or drainage control facilities as required by this code or other *city* ordinances. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.030).]

18.125.050**Permit suspension, revocation or modification.**

A. Permit suspension, revocation or modification shall be carried out through the procedures set forth in Chapter 1.20 KMC. Any permit, *variance*, or other land use approval issued by the *city* pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:

1. The approval was obtained by fraud;
2. The approval was based on inadequate or inaccurate information;
3. The approval, when given, conflicted with existing laws or regulations applicable thereto;
4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
6. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
7. The holder of the permit or approval interferes with the *city manager* or any authorized representative in the performance of his or her duties; or
8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to Chapter 1.20 KMC.

B. Authority to revoke or modify a permit or land use approval shall be exercised by the decisionmaker, as described in KMC 19.25.020.

18.125.060**Initiation of revocation or modification proceedings.**

A. The *city manager* may suspend any permit, *variance* or land use approval issued by any *city* issuing agency and processed by the *department* pending its revocation or modification, or pending a public hearing on its revocation or modification;

B. The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and

C. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the *city manager* to suspend a permit, *variance* or land use approval pending a public hearing on its revocation or modification. [Ord. 98-0026 §§ 1, 2 (KCC 21A.50.050).]

Title 19

PLANNING LAND USE POLICIES AND PROCEDURES

Chapters:

- 19.05 General Provisions
- 19.10 Definitions
- ~~19.15 Comprehensive Plan~~
- 19.20 Amendment of Comprehensive Plan or of Development Regulations – Public Participation
- ~~19.23 Master Plans~~
- 19.25 Procedures for Land Use ~~Permit Applications~~ ~~Decisions~~, Public Notice, Hearings and Appeals
- 19.30 Hearing Examiner
- 19.35 Environmental Procedures
- ~~19.40 Critical Aquifer Recharge Areas~~

Chapter 19.05

GENERAL PROVISIONS

Sections:

~~19.05.010 Relationship to comprehensive plan and Growth Management Act.~~

19.05.020 Catchline legality.

19.05.030 Severability.

~~19.05.040 Procedural conflicts.~~~~19.05.010~~~~Relationship to comprehensive plan and Growth Management Act.~~

~~The provisions of KMC Title 18 relating to zoning and development review are hereby enacted as a development regulation to be consistent with and implement the comprehensive plan in accordance with RCW 36.70A.120. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.005).]~~

19.05.020

Catchline legality.

Section captions as used in this title do not constitute any part of the law. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.010).]

19.05.030

Severability.

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.020).]

~~19.05.040~~~~Procedural conflicts.~~

~~In case of conflict, provisions of this title take precedence over procedures presently contained in KMC Titles 17 and 18. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.030).]~~

Chapter 19.10

DEFINITIONS

Sections:

- ~~19.10.005 Applicant.~~
- 19.10.010 Area zoning.
- ~~19.10.020 Benchmarks.~~
- ~~19.10.030 Subarea plan.~~
- ~~19.10.030 City.~~
- ~~19.10.035 City manager.~~
- 19.10.040 Comprehensive plan.
- 19.10.050 Council.
- 19.10.060 Department.
- 19.10.070 Development regulations.
- 19.10.080 Docket.
- 19.10.085 Emergency management amendment.
- ~~19.10.100 Functional plans.~~
- ~~19.10.090105 Hearing Examiner.~~
- ~~19.10.105 Master plan.~~
- 19.10.110 Reclassification.
- 19.10.120 Site-specific comprehensive plan land use map amendment.
- ~~19.10.030130 Subarea plan.~~

~~This chapter contains definitions of technical and procedural terms used throughout this title. Defined terms are shown in italics in the text of the title.~~

19.10.005**Applicant.**

~~“Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.~~

19.10.010**Area zoning.**

“Area zoning” means procedures initiated by the city ~~of Kenmore~~ which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, deals with distinct communities, specific geographic areas and other types of districts having unified interests within the city. Area zoning, unlike a *reclassification*, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the city’s current *comprehensive plan* and *subarea plan* policies in zoning map form. [Ord. 08-0293 § 2; Ord. 06-0255 § 3; Ord. 98-0027 §§ 1, 2 (KCC 20.08.030).]

19.10.020**Benchmarks.**

~~“Benchmarks” means quantifiable measures used to monitor the outcomes of public policy. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.035).]~~

19.10.030**Subarea plan.**

“Subarea plan” means a detailed local land use plan which implements and is an element of the comprehensive plan containing specific policies, guidelines and criteria adopted by the council to guide development and capital improvement decisions within specific subareas of the city. The relationship between the comprehensive plan and subarea plans is established by KMC 19.15.010. [Ord. 08-0293 § 2; Ord. 06-0255 § 4; Ord. 98-0027 §§ 1, 2 (KCC 20.08.060).]

19.10.030**City.**

“City” means the city of Kenmore.

19.10.030**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

19.10.040**Comprehensive plan.**

“Comprehensive plan” means the principles, goals, objectives, policies and criteria approved by the council to meet the requirements of the Washington State Growth Management Act, and:

- A. As a beginning step in planning for the development of the city;
- B. As the means for coordinating city programs and services;
- C. As policy direction for official regulations and controls;
- D. As a means of promoting the general welfare. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.070).]

19.10.050**Council.**

“Council” means the Kenmore city council. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.090).]

19.10.060**Department.**

“Department” means the city department of community development or outside agency assigned by the city manager to administer a portion of the city code. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.100).]

19.10.070**Development regulations.**

“Development regulations” means the controls placed on development or land use activities by the city including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, surfacewater runoff policies, street standards, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances, together with any amendments thereto. A development regulation includes a zoning map amendment that is related to a comprehensive plan map amendment. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the city. [Ord. 08-0293 § 2; Ord. 06-0255 § 5; Ord. 98-0027 §§ 1, 2 (KCC 20.08.105).]

19.10.080**Docket.**

“Docket” (noun) means the list of suggested changes to the *comprehensive plan* or *development regulations* maintained by the *department*. “Docket” (verb) means to record with the *department* a suggested change to the *comprehensive plan* or *development regulations*. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.107).]

19.10.085**Emergency amendment.**

An “emergency amendment” shall be defined as an amendment that is required to the *comprehensive plan* or *development regulations* for the immediate protection of public health, safety, property, or peace. [Ord. 08-0293 § 2; Ord. 06-0255 § 6.]

19.10.100**Functional plans.**

“Functional plans” are detailed plans for facilities and services and action plans for other governmental activities. Functional plans should be consistent with the *comprehensive plan*, define service levels, provide standards, specify financing methods which are adequate, stable and equitable, be the basis for scheduling facilities and services through capital improvement programs and plan for facility maintenance. Functional plans are not adopted to be part of the capital facilities plan element of the *comprehensive plan*. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.132).]

19.10.090105**Hearing Examiner.**

“Hearing Examiner” means the hearing examiner as established by Chapter 19.30 KMC. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.120).]

19.10.105**Master plan.**

A “master plan” consists of a narrative description and map conceptually describing long term land uses, circulation and infrastructure, open space, and development phasing for an area or property to guide future development. [Ord. 08-0293 § 2.]

19.10.110**Reclassification.**

“Reclassification” means a change in the zone classification on the zoning map pursuant to a Type 4 land use permit decision, where the reclassification is not related to a *comprehensive plan* land use map amendment. [Ord. 08-0293 § 2; Ord. 06-0255 § 7; Ord. 98-0027 §§ 1, 2 (KCC 20.08.160).]

19.10.120**Site-specific comprehensive plan land use map amendment.**

“Site-specific comprehensive plan land use map amendment” means an amendment to the *comprehensive plan* land use map which includes one property or a small group of specific properties. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.170).]

19.10.030130**Subarea plan.**

“Subarea plan” means a detailed local land use plan which implements and is an element of the *comprehensive plan* containing specific policies, guidelines and criteria adopted by the *council* to guide development and capital improvement decisions within specific subareas of the *city*. The relationship between the comprehensive plan and subarea plans is established by KMC 19.15.010. [Ord. 08-0293 § 2; Ord. 06-0255 § 4; Ord. 98-0027 §§ 1, 2 (KCC 20.08.060).]

Chapter 19.15**COMPREHENSIVE PLAN*****Sections:**

- 19.15.010 Relationship of comprehensive plan to previously adopted plans, policies, and land use regulations.
- 19.15.020 Adoption of interim zoning.
- 19.15.030 Park development policies.
- 19.15.040 Shoreline management master program.
- 19.15.050 King County open space plan.
- 19.15.060 Severability.
- 19.15.070 King County transportation plan.
- 19.15.080 King County nonmotorized transportation plan.
- 19.15.090 King County arterial HOV transportation plan.
- 19.15.100 Northshore School District capital facilities plan.
- 19.15.110 King County flood hazard reduction plan policies.

*Code reviser's note: Ordinance 01-0104, which adopts the city of Kenmore comprehensive plan, is on file in the office of the city clerk.

19.15.010**Relationship of comprehensive plan to previously adopted plans, policies, and land use regulations.**

The city of Kenmore comprehensive plan shall relate to previously adopted plans, policies and land use regulations as follows:

A. Pending or proposed subarea plans or plan revisions and amendments to adopted land use regulations, that are adopted on or after March 26, 2001, shall conform to all applicable policies and land use designations of the city of Kenmore comprehensive plan;

B. Unclassified use permits and zone reclassifications, that are pending or proposed on or after March 26, 2001, shall conform to the comprehensive plan and applicable adopted community plans as follows:

1. For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or land use plan map designations that do not conflict, both the comprehensive plan and the community plan shall govern;

2. For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or plan map designations that conflict, the comprehensive plan shall govern; and

3. For aspects of proposals where either the comprehensive plan or a previously adopted community plan, but not both, has applicable policies or plan map designations, the plan with the applicable policies or designations shall govern;

C. Vested applications for subdivisions, short subdivisions and conditional uses for which significant adverse environmental impacts have not been identified may rely on existing zoning to govern proposed uses and densities. Subdivisions, short subdivisions and conditional uses also may rely on specific facility improvement standards adopted by ordinance, including but not limited to street improvement, sewage disposal and water supply standards, that conflict with the comprehensive plan but shall be conditioned to conform to all applicable comprehensive plan policies on environmental protection, open space, design, site planning and adequacy of on-site and off-site public facilities and services, in cases where specific standards have not been adopted;

D. Vested permit applications for proposed buildings and grading and applications for variances, when categorically exempt from the procedural requirements of the State Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance; and

E. Nothing in this section shall limit the city's authority to approve, deny or condition proposals in accordance with the State Environmental Policy Act. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.015).]

19.15.020**Adoption of interim zoning.**

Title 21A of the King County Code, attached as Exhibit A to Ordinance 98-0026, is adopted as the city's interim zoning code, which is codified in KMC Title 18. [Added at the request of the city.]

19.15.030**Park development policies.**

"King County Park Development Policies," attached to King County Ordinance 3813 are adopted and serve as a general basis for a park and recreation facility development, except that the comprehensive plan shall prevail where conflicts, if any, occur. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.090).]

19.15.040**Shoreline management master program.**

The policies, objectives and goals of the shorelines management master program, are adopted as an addendum to the comprehensive plan for the city of Kenmore. As an addendum to the comprehensive plan, such policy statement constitutes the official policy of the city of Kenmore regarding areas of the city subject to shoreline management jurisdiction. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.200).]

19.15.050**King County open space plan.**

The goals, maps, guidelines and strategies of the King County open space plan, attached to King County Ordinance 8657 as amended by Addendum 1*, and Addendum 2*, are adopted as a functional plan implementing the city of Kenmore comprehensive plan. As such, they constitute official city policy for the evaluation, protection, acquisition and management of open space lands in the city of Kenmore. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.380).]

*Code reviser's note: Addendums 1 and 2 are on file in the office of the county clerk.

19.15.060**Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remainder of this chapter. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.410).]

19.15.070**King County transportation plan.**

A. The King County transportation plan consists of the following elements:

1. Policy element, consisting of the transportation related policies from the King County comprehensive plan, 1985, and the transit/ridesharing/rail policy actions;
2. The arterial functional classification report changes (Exhibit A to King County Ordinance 11170);

3. The transportation priority process;
4. The annual transportation needs report;
5. The implementation strategy report, as amended.

B. The council finds that the King County transportation plan environmental impact statement is adequate to support adoption of the King County transportation plan.

C. The King County transportation plan, dated October 1989, is adopted as the functional plan implementing the transportation policies established by the city of Kenmore comprehensive plan. As an amplification and augmentation of the city of Kenmore comprehensive plan, it constitutes official city policy with regard to surface transportation issues.

D. The King County transportation plan's elements dealing with "transportation needs report" and "arterial functional classification" shall be subject to an annual review and update process preparatory to the capital improvement program budgeting process. Updates shall incorporate community plan revisions, additional functional plan elements, other local and regional transportation plans and studies, and other information available to the city road engineer, and shall include public review and information in the annual review of the updates. The department of public works shall provide an update report to the city manager and council on these elements before finalization of the roads capital improvement program budget identifying possible changes to the needs lists or arterial classifications, and why these changes are needed.

E. The transportation plan shall be implemented through:

1. Adoption of an annual six year capital improvement program;
2. Application of the road adequacy standards, KMC Title 12;
3. Application of impact fees, Chapter 12.75 KMC;
4. Mitigation of transportation impacts as required and authorized under the State Environmental Policy Act;
5. Road maintenance and traffic operating improvements;
6. Pursuit of additional funding sources at the local, state and federal levels whenever possible;
7. Participation by the city in regional efforts to enhance bus transit usage and development of a rail/high capacity transit system;
8. Establishment of a system for reviewing proposed developments for their impacts on equestrian, pedestrian and bicycle traffic and requiring mitigation when adverse impacts will occur;
9. Development of transportation system management techniques, zoning code changes, and road improvements to enhance the use of transit and increase vehicle occupancy;
10. Coordination of plans, projects, programs and policies with other governments. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.430).]

19.15.080

King County nonmotorized transportation plan.

A. The King County nonmotorized transportation plan, dated March 1993*, attached to King County Ordinance 10812, is adopted as the nonmotorized transportation functional plan implementing related policies established in the adopted city of Kenmore comprehensive plan, and constitutes an amplification and augmentation of official city policy with regard to transportation issues.

B. The nonmotorized transportation plan shall be implemented through:

1. Integration of nonmotorized projects into the annual transportation project priority process and the annual six year capital improvement program;
2. Updating the city of Kenmore road standards;
3. City road maintenance, operating revisions and improvements;
4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for nonmotorized improvements;

5. Providing an overall guide for the coordination, development and implementation of the nonmotorized element of the city transportation system. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.433).]

*Code reviser's note: The nonmotorized transportation plan is on file in the office of the county clerk.

19.15.090

King County arterial HOV transportation plan.

A. The King County arterial HOV transportation plan, dated March 1993*, is adopted as the arterial HOV transportation functional plan implementing related policies established in the adopted city of Kenmore comprehensive plan, and constitutes an amplification and augmentation of official city policy with regard to transportation issues.

B. The arterial HOV transportation plan shall be implemented through:

1. Integration of HOV projects into the annual transportation project priority process and the annual six-year capital improvement program;
2. Updating the city of Kenmore road standards;
3. City road maintenance, operating revisions and improvements;
4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for HOV improvements;
5. Providing an overall guide for the coordination, development and implementation of the HOV element of the city transportation system. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.435).]

*Code reviser's note: The arterial HOV transportation plan is on file in the office of the county clerk.

19.15.100

Northshore School District capital facilities plan.

The Northshore School District No. 417-2000 capital facilities plan dated May 23, 2000, revised June 28, 2000, which is included in Attachment H* (to King County Ordinance 14009) and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the city of Kenmore comprehensive plan. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.469).]

*Code reviser's note: Attachment H is on file in the office of the county clerk.

19.15.110

King County flood hazard reduction plan policies.

The King County flood hazard reduction plan policies, as shown in Attachment A* (to King County Ordinance 11112) and incorporated herein by reference, are adopted as operating principles to guide King County's flood hazard reduction programs and to meet the intent of the water and natural resource policies of the city of Kenmore comprehensive plan. As an amplification and augmentation of the city of Kenmore comprehensive plan, the policies constitute official city policy with regard to flood hazard reduction and floodplain management in the city of Kenmore. [Ord. 98-0027 §§ 1, 2 (KCC 20.12.480).]

*Code reviser's note: Attachment A is on file in the office of the county clerk.

Chapter 19.20

AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS
– PUBLIC PARTICIPATION*

Sections:

- ~~19.20.010 Effective date.~~
- 19.20.020 Purpose.
- 19.20.030 Applicability.
- 19.20.040 Authority.
- 19.20.050 Annual amendment process.
- 19.20.060 Initiation of annual amendment process.
- 19.20.070 Submittal requirements.
- 19.20.080 Threshold review criteria.
- 19.20.090 Annual amendment decision criteria.
- ~~19.20.100 Severability.~~

~~*Prior legislation: Ord. 98-0027 (KCC 20.18.010 – 20.18.300).~~

19.20.010**Effective date.**

~~This chapter shall become effective on June 11, 1998. [Ord. 06-0255 § 8.]~~

19.20.020**Purpose.**

A. This chapter establishes the process and criteria by which the *comprehensive plan* and *development regulations* are amended in accordance with Chapter 36.70A RCW.

B. This chapter also establishes the means of public participation in the *comprehensive plan* and *development regulation* amendment process as required in RCW 36.70A.130(2) and 36.70A.140.

C. This chapter sets forth additional submittal requirements for *comprehensive plan* and *development regulation* amendments in recognition of the additional information and fee requirements of the *comprehensive plan* and *development regulation* amendments. [Ord. 06-0255 § 8.]

19.20.030**Applicability.**

A. This chapter establishes a mechanism for the *city* to amend the *comprehensive plan* and *development regulations*.

B. Proposed amendments may be submitted by the mayor, city council, planning commission, city staff, or any interested private parties, including citizens, *applicants*, or government agencies. [Ord. 06-0255 § 8.]

19.20.040**Authority.**

A. The ~~director of the department of community development~~ **city manager** shall have the authority to administer this chapter.

B. The planning commission shall have the authority to review and study proposed amendments to the *comprehensive plan* and *development regulations* that are included in a city council- approved annual *docket* work program for each year. The planning commission shall hold a public hearing, deliberate, and make recommendations to the city council on said proposals.

C. The city council shall have the authority to make a threshold review of each proposal to amend the *comprehensive plan* and *development regulations* ~~made in conjunction with a comprehensive plan amendment that results in and establish~~ the planning commission's annual *docket* work program for each year. The city council shall have the authority to make a final decision upon applications pursuant to this section after the planning commission has provided a recommendation to the city council. [Ord. 06-0255 § 8.]

19.20.050

Annual amendment process.

A. *Comprehensive plan* amendments are considered by the city council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the city council may consider amendments more frequently or outside the annual *docket* amendment cycle detailed in this section under the following circumstances:

1. The city council finds an *emergency amendment* is required as defined in KMC 19.10.085;
2. The initial adoption of a *subarea plan* that does not modify the *comprehensive plan* policies and designations applicable to the subarea;
3. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
4. The amendment of the capital facilities element of the *comprehensive plan* that occurs concurrently with the adoption or amendment of the city budget; and
5. The amendment is required as a result of an order of the ~~Central Puget Sound Growth Management Hearings Board~~ ~~created in RCW 36.70A.250~~ or a court with jurisdiction.

B. *Development regulations* consistent with the *comprehensive plan* may be considered outside of the annual amendment process at the discretion of the city council, so long as the amendment is considered through a public participation process consistent with RCW 36.70A.130(2). *Development regulation* amendments ~~consistent associated~~ with the *comprehensive plan* ~~amendments~~ should be processed with *comprehensive plan* amendments whenever practicable.

C. Zoning *reclassification* requests as defined in KMC 19.10.110 are subject to the Type 4 permit process in Chapter 19.25 KMC. [Ord. 06-0255 § 8.]

19.20.060

Initiation of annual amendment process.

A. The *comprehensive plan* and *development regulations* ~~shall~~ ~~may~~ be amended pursuant to this chapter, no more frequently than once a year as part of the amendment cycle established in this chapter, except as provided in KMC 19.20.050.

B. Application Initiation and Deadline.

1. The public shall be made aware of the deadline to submit proposed amendments to the *comprehensive plan* and *development regulations* by means of two publications in a newspaper of general circulation in the city, with the first notice published at least 30 days prior to the deadline.

2. The deadline for submitting an application for amendment pursuant to this chapter is December 1st of each year, or the next business day if December 1st falls on a Saturday or Sunday.

C. Submittal Requirements. Only applications that have fulfilled the submittal requirements of KMC 19.20.070 by the deadline in subsection (B) of this section shall be considered for the next annual amendment process.

D. Prescreening/Threshold Decision.

1. The ~~department of community development~~ shall review all complete applications submitted by the deadline set forth in subsection (B) of this section and issue a ~~threshold decision recommendation~~ on each application submitted based upon threshold criteria set forth in KMC 19.20.080 by the last city council meeting in January of each year.

2. The city council shall make a threshold decision on each application submitted and reviewed by the last city council meeting in February of each year.

3. Threshold decisions and recommendations shall be for one of the following:

- a. Accept application for review by the planning commission or other city council-appointed advisory body in the current amendment cycle;
- b. Recommend delay of the amendment to the next amendment cycle; or
- c. Denial of amendment based upon criteria set forth in KMC 19.20.080 or other findings of fact.

E. Planning Commission Review and Public Participation.

1. The planning commission or other advisory body approved by the city council shall review all amendments approved by the city council pursuant to subsection (D)(3)(a) of this section and shall make such amendments a priority of their work program for the year. The planning commission or other advisory body shall hold study sessions on proposed amendments, as deemed necessary in order to make an informed decision.

2. Public Participation Plan. Public participation shall consist of, at minimum, a public hearing before the planning commission. The ~~director of community development~~city manager is further authorized to establish additional public participation for a particular matter at the beginning of the annual *docket* process, utilizing types of participation including but not limited to: public meetings, workshops, and/or open houses.

F. Public Hearing.

1. The planning commission or other advisory body approved by the city council shall hold the public hearing on the proposed amendments each year. Public notice shall be given as set forth in subsection (F)(2) of this section.

2. Public Notice of Public Hearing.

a. Notice of a public hearing on the annual cycle of amendments shall be published in a newspaper of general circulation in the city and shall be posted at City Hall and on the city website within 14 calendar days of the public hearing.

b. Additional Public Notice Requirements for Site-Specific Amendments. In addition to the public notice requirements of subsection (F)(2)(a) of this section, *applicants for site-specific comprehensive plan land use map amendments* shall also post the site and mail notice to residences and employers within 500 feet of the subject site.

3. Recommendation to City Council. Upon consideration of all the information presented to the planning commission, the planning commission shall deliberate after the public hearing and shall make a recommendation to the city council based upon the criteria found in KMC 19.20.080.

4. Second Public Hearing. If the planning commission recommends a modification which was not within the scope of the alternatives available at the public hearing for public comment, the planning commission shall conduct a new public hearing on the proposal as modified.

G. Final Decision.

1. City Council Decision. The city council, upon receipt of the planning commission's recommendations for the annual amendment cycle, shall make the final decision on proposed amendments consistent with criteria contained in KMC 19.20.080.

2. Circumstances Requiring Public Hearing. The city council may, in its discretion, hold an additional public hearing on the planning commission's recommendations for the annual amendment cycle. However, if the city council recommends a modification which was not within the scope of the alternatives available at the planning commission hearing for public comment, the city council shall hold a public hearing on the proposal as modified prior to final decision.

H. Pursuant to RCW 36.70A.106, the ~~community development~~ department shall notify the state of its intent to adopt amendments to the *comprehensive plan* or to *development regulations* at least

60 days prior to the city council's final adoption of the proposal, except for regulations or amendments which are procedural, ministerial or required to address an emergency.

I. Within 10 days of final adoption, the city clerk shall transmit to the state any adopted plan, amendment to the *comprehensive plan* or *development regulation*. [Ord. 06-0255 § 8.]

19.20.070

Submittal requirements.

Applications for the annual cycle of *comprehensive plan* and *development regulation* amendments shall include the following submittal requirements:

A. Submittal requirements enumerated in KMC 19.25.040 that are not waived by the ~~community development director~~*city manager*.

B. An application form provided by the *department* and completed by the *applicant* that includes, at minimum, the *applicant's* name, address, contact information, and proposed amendment.

1. For *site-specific comprehensive plan land use map amendments*, the application form shall also include the following information: property address or location, parcel number(s), existing and proposed future land use designation and zoning designation, and property owner's signature.

C. A completed environmental checklist, if required by Chapter 19.35 KMC.

D. A narrative clearly stating the proposal and what the amendment is attempting to accomplish.

1. For *site-specific comprehensive plan land use map amendments*, the narrative shall be accompanied by a vicinity map drawn to scale clearly showing the subject site and its surroundings.

E. A narrative indicating how the proposed amendment meets the criteria outlined in KMC 19.20.080 and 19.20.090.

F. An application fee pursuant to the *city's* current fee schedule or a written request for a fee waiver.

1. One fee waiver is allowed per *applicant* per year.

2. The fee waiver request shall only be granted in the following cases: requests involving a topic of a *city-wide* nature; or a neighborhood-wide request; or a request made by a nonprofit organization when involving more than one property. Fee waivers are not allowed for *site-specific comprehensive plan land use map amendments*.

3. *City-sponsored* proposals exempt: *city-sponsored* proposals are exempt from application fees.

G. Unless one or more of the submittal requirements outlined in this section is waived by the ~~director of community development~~*city manager*, then an application that does not contain all of the submittal requirements so enumerated by the deadline set forth in KMC 19.20.060(B) shall be considered incomplete and ineligible for consideration in the annual amendment cycle. [Ord. 08-0288 § 1; Ord. 06-0255 § 8.]

19.20.080

Threshold review criteria.

The *city* shall use the following criteria in selecting proposals for further consideration in the annual *docketing* process. Proposals shall meet subsections (A) and (B) of this section, and either subsection (C) or (D) of this section:

A. The *city* has the resources, including staff and budget, necessary to review the proposal; and

B. It has been more than two years since the proposed amendment has been considered unless a compelling reason for changed circumstances can be made; and

C. The proposal would correct an inconsistency within or make a clarification to a provision of the *comprehensive plan*; or

D. All of the following:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the *comprehensive plan*; and
2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later *subarea plan* review or plan amendment process. [Ord. 06-0255 § 8.]

19.20.090**Annual amendment decision criteria.**

All proposed amendments, whether or not considered through the annual amendment process, must meet the decision criteria in subsection (A) of this section. If the proposal is a *site-specific comprehensive plan land use map amendment*, then it must meet the decision criteria of subsections (A) and (B) of this section. If the proposal is an amendment to *development regulations*, then it must meet the decision criteria of subsections (A) and (C) of this section.

A. Review Criteria Applicable to All Proposed Amendments. All proposed amendments must meet the following criteria:

1. The proposed amendment is consistent with the Growth Management Act and the county-wide planning policies; and
 2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the *comprehensive plan*; and
 3. The proposed amendment meets at least one of the following criteria:
 - a. The proposed amendment is beneficial to the *city* as a whole and will not adversely affect public health, safety, and welfare; or
 - b. The proposed amendment addresses changed circumstances within the *city* as a whole;
- or
- c. The proposed amendment accommodates new policy direction from the city council.

B. Additional Review Criteria Applicable to Site-Specific Amendments. All *site-specific comprehensive plan land use map amendments* must meet the following additional decision criteria:

1. The proposed amendment is consistent with the policies, objectives and goals of the *comprehensive plan* (including any applicable *subarea plans*), the countywide planning policies and the State Growth Management Act; and
2. The subject property is suitable for development in conformance with the standards under the classification being proposed; and
3. The proposed amendment is compatible with adjacent and nearby existing and permitted land uses; and
4. The proposed amendment is compatible with the surrounding development pattern; and
5. The proposed amendment meets the zoning map decision criteria of KMC 19.30.210 and 19.30.220.

C. Additional Review Criteria for *Development Regulations*.

1. The proposed amendment is consistent with the policies, objectives, and goals of the *comprehensive plan*; and
2. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code. [Ord. 06-0255 § 8.]

19.20.100**Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decisions shall not affect the validity of the remaining portion of this chapter. [Ord. 06-0255 § 8.]

Chapter 19.23**MASTER PLANS MOVED TO TITLE 18****Sections:**

- 19.23.010 Master plan chapter purpose.
- 19.23.020 Master plans authorized.
- 19.23.030 Master plan contents.
- 19.23.040 Master plan approval process.
- 19.23.050 Modifications of an approved master plan.
- 19.23.060 Vesting and time limitations.

19.23.010**Master plan chapter purpose.**

This chapter is intended to detail the procedures and responsibilities of the city in the processing, consideration and action on proposed master plans. Master plans are authorized or required for certain uses or activities within the comprehensive plan or certain zone districts. These uses may have unique characteristics or potential impacts to the community, and require review and opportunity for public comment. It is expected that approval of a master plan will guide development within the affected area for a period of at least 10 years. Master plan approval is also intended to allow quicker review and processing of individual, phased construction projects with greater certainty than would be possible if a master plan did not exist. [Ord. 08-0293 § 2.]

19.23.020**Master plans authorized.**

Master plans are authorized or are required as follows:

A. Comprehensive Plan Requirement. Where specified in the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone.

B. Zoning Requirement or Authorization.

1. Parks, Golf Course, or Public and Semi Public Zones. Master plans may be proposed for permitted or conditionally permitted uses in a phased manner for a minimum 10 year planning period. Project sponsors in the parks, golf course, or public and semi public zones shall prepare a master plan for purposes of establishing land uses or activities not otherwise established in KMC 18.28.020, 18.28A.020 or 18.28B.020 as permitted or conditionally permitted or to vary standards per KMC 18.28.040(B), 18.28A.040(B) or 18.28B.040(B). Master plans shall not be used to establish prohibited uses listed in Chapters 18.28, 18.28A, or 18.28B KMC.

2. P Suffix Conditions. Required to develop allowed uses in certain zones with P suffix conditions pursuant to KMC 18.82.030.

C. Other. Authorized or required in ordinances or development agreements approved by the city. [Ord. 08-0293 § 2.]

19.23.030**Master plan contents.**

A. Master plans shall contain the following information:

1. For properties with master plans authorized or required as stated in KMC 19.23.020 except the parks zone and P suffix conditions:

a. A master plan shall provide a general narrative description of all long term land uses, circulation and infrastructure, open space, and development phasing for an area or property to guide future development.

b. The master plan shall, in a general manner, depict the site layout by showing development areas by type of land use, circulation patterns, site access, utilities, infrastructure, maximum square footage of uses (if applicable), and any open space areas and buffers.

c. The plan shall also illustrate the relationship between the site and adjoining properties.

d. It is intended that master plan maps and graphics be developed in a general conceptual manner.

2. Master plans for properties included in the parks zone:

a. City Owned Parks. Master plans shall consist of city parks and recreation functional plans or other legislatively approved conceptual plans.

b. Noncity Owned Parks. Master plans shall conform to the requirements in subsection (A)(1) of this section.

c. Any Property Zoned Parks. Any single master plan proposal submitted to the city for approval shall include a park or recreation use for the overall area included in the master plan application.

3. Master plans for properties with P suffix conditions per KMC 19.23.020(B). Master plans shall contain the information required in the P suffix condition.

B. Merger with Other Applications. The applicant also has the option of submitting a master plan concurrently with specific site design permits, including but not limited to a commercial site development permit or a building permit. Other applications, such as binding site plan (BSP) or development agreement, may also be submitted concurrently. If submitted concurrently, the city shall review the applications concurrently. However, no site design or other approval shall be granted until such time as the master plan is approved. [Ord. 08-0293 § 2.]

19.23.040

Master plan approval process.

A. Master Plan Approval Process.

1. Comprehensive Plan Requirement. Master plans that are required by the Kenmore comprehensive plan land use element as necessary to obtain a comprehensive plan amendment and/or rezone shall be subject to the Type 5 permit process.

2. Zoning Requirement or Authorization.

a. Where use may only be established by a master plan pursuant to the zone requirements:

(1) City Owned Property. The city of Kenmore may prepare and amend master plans for city property subject to city council approval.

(2) Noncity Owned Property. Master plans prepared for uses which are neither permitted, nor conditionally permitted, nor prohibited in a zone: Type 4.

b. Master plans prepared for uses which are allowed by the applicable zoning district: Type 2.

3. Other. Consistent with adopting ordinance or development agreement, but no less than Type 2 process.

B. Master Plans — Approved.

1. Parks Zone. The following master plans have been approved by the city as of December 11, 2006, for city owned park property. Please contact the department of community development for an up to date list of approved master plans or for master plans in progress.

a. City of Kenmore Parks and Recreation Master Plan, April 2003 (all city parks except Northshore Summit).

b. Conceptual master plans as revised and updated in 2006: Wallace Swamp Creek Park, Linwood Park, Northshore Summit Park, Tracey Owen Station, Kenmore (Rhododendron) Park, Moorlands Park.

2. Golf Course Zone. Reserved.

3. Public and Semi-Public Zone.

a. Bastyr University Master Plan, December 2009, approved by city of Kenmore Ordinance 09-0304.

C. Master Plan Approval Criteria. At a minimum, master plans shall be consistent with the review criteria contained in KMC 18.105.050 (same as special use criteria). Master plans shall also be consistent with review criteria specified in any applicable P suffix conditions, ordinance, development agreements, or recorded instrument.

D. Consistency with Master Plan. All property identified in the master plan shall be developed in a manner consistent with the provisions of the master plan. [Ord. 09-0304 § 5 (Exh. C); Ord. 08-0293 § 2.]

19.23.050**Modifications of an approved master plan.**

A. Project sponsors may submit an application(s) to modify approved master plans. Modifications that do not substantially change the nature or level of use or that do not require a new environmental review may be considered minor amendments and may be approved by the director as a Type 2 decision or in accordance with the permit process authorized in an ordinance, development agreement, or recorded instrument.

B. Modifications that would result in a substantial change of use, or substantially change the nature or level of activity, or that would require the need for additional environmental review, shall be considered a major modification and shall be processed consistent with the permit type required to establish the original master plan in KMC 19.23.040 or in accordance with the permit process authorized in an ordinance, development agreement, or recorded instrument. [Ord. 08-0293 § 2.]

19.23.060**Vesting and time limitations.**

Unless alternative vesting and time limitations are stated in the approval of a master plan and specified in an ordinance, development agreement, or recorded instrument as appropriate, the following shall apply:

A. Time Limitations. An approved master plan shall remain in effect for a period of not less than 10 years, subject to the following conditions:

1. Submittal of biennial status reports to the community development director during the term of the master plan no later than December 31st of each biennial period;

2. Submittal of interim reports to the community development director regarding any proposed changes or revisions to the master plan implementation schedule no later than December 31st of each biennial period;

3. Issuance of construction permits for at least one half of the new construction projects identified in each phase of the master plan implementation schedule no later than the projected completion date for the particular phase.

B. Vesting. Master plans shall be vested to the regulations in effect at the time of approval, as specified by ordinance, development agreement, or recorded instrument. Such vesting measures shall not preclude the city from taking such actions as shall be necessary to protect the public health and safety. [Ord. 08-0293 § 2.]

Chapter 19.25

**PROCEDURES FOR LAND USE ~~PERMIT APPLICATIONS~~DECISIONS, PUBLIC
NOTICE, HEARINGS AND APPEALS**

Sections:

- 19.25.010 Chapter purpose.
- 19.25.020 Classifications of land use decision processes.
- 19.25.030 Preapplication conferences.
- 19.25.040 Application requirements.
- 19.25.050 ~~Notice of complete application to applicant~~Determination of completeness.
- 19.25.055 ~~Vesting.~~
- ~~18.95.020 Notification to tribes.~~
- 19.25.060 Notice of application.
- ~~19.25.065 Public notice boards.~~
- 19.25.080 Applications – Modifications to proposal.
- ~~19.25.083 Application cancelled for inactivity.~~
- ~~18.95.050~~19.25.08 ~~Director review – Decision regarding proposal~~Type 2 decisions.
- ~~18.95.100 Records.~~
- ~~18.95.110 Review process for high schools.~~
- 19.25.090 Notice of decision ~~or recommendation~~ – Appeals.
- ~~19.25.092 Appeals.~~
- ~~18.85.010~~19.25.095 ~~Applications – Limitations on refiling of applications.~~
- 19.25.100 Permit issuance.

19.25.010**Chapter purpose.**

The purpose of this chapter is to establish standard procedures for land use ~~permit applications~~decisions, including public notice, hearings and appeals in the city. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the *comprehensive plan*. ~~These procedures also provide for an integrated and consolidated land use permit and environmental review process.~~ [Ord. 08-0293 § 2; Ord. 06-0255 § 9; Ord. 98-0027 §§ 1, 2 (KCC 20.20.010).]

19.25.020**Classifications of land use decision processes.**

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

1. Type 1 decisions are made by the ~~director, or designee (“director”), of the department of community development (“department”)~~city manager. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion, except for (a) Type 1 decisions for which the department has issued SEPA threshold determination, or (b) Type

1 decisions that require a determination by the director regarding compliance with Chapter 18.52 KMC, Downtown Design Standards.

a. Type 1 decisions for which the department has issued a SEPA threshold determination are appealable at the time of issuance of the SEPA threshold determination to the hearing examiner as Type 2 decisions, but any such appeal is strictly limited to the SEPA threshold determination or issues relating to zoning code (KMC Title 18) compliance excluding compliance with permitted use provisions. Other Type 1 decisions are not appealable to the hearing examiner, and must be timely appealed to superior court. For any Type 1 decisions, described above, which are partially appealable directly to the hearing examiner and partially appealable directly to superior court, the city's decision shall not be considered final until any such direct appeal to the hearing examiner is first exhausted. Public notice is not required for Type 1 decisions, except for Type 1 decisions for which the department has issued a SEPA threshold determination, which are treated like Type 2 decisions for the purposes of public notice.

b. Type 1 decisions that require a determination by the director regarding compliance with Chapter 18.52 KMC, Downtown Design Standards, are Type 2 decisions, directly appealable to the hearing examiner, at the time a decision is issued on the underlying permit, but any such appeal shall be strictly limited to compliance with KMC Title 18, Zoning, and Kenmore downtown design standards compliance. For any Type 1 decisions, described above, which are partially appealable directly to King County superior court, the city's decision shall not be considered final until any such direct appeal to the hearing examiner is first exhausted. Public notice is not required for Type 1 decisions where compliance with the Kenmore downtown design standards is involved, except for Type 1 decisions which also include a SEPA threshold determination that must be processed in accordance with subsection (A)(1)(a) of this section.

c. Type 1A decisions are made by the director of the department of community development and are nonappealable administrative decisions that relate to the co location of minor communication facilities. Co location is the addition of a new communication facility to an existing transmission support structure or to any structure supporting an existing major or minor communication facility.

2. Type 2 decisions are made by the ~~director~~*city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.

4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.

5. Type 5 decisions are legislative decisions made by the city council. Type 5 decisions may be appealed directly to the ~~Central Puget Sound Growth Management Hearings Board~~ *created in RCW 36.70A.250*.

B. Except as provided in KMC 19.35.130(A)(6) and 16.35.060 or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

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

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance

(DS)). For all other projects, the SEPA review procedures in Chapter 19.35 KMC are supplemental to the procedures in this chapter.

Exhibit A
LAND USE DECISION TYPES

TYPE 1	Decision by director/city manager ; no administrative appeal	Building; demolition ; moving ; engineering ; clearing and grading; sign ; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; roadstreet standards ; variance, except those rendered in conjunction with a short plat decision ² ; variance adjustment under from Chapter 13.35 KMC; shoreline exemption; approval of a conversion harvest plan; temporary use ; (SIGNIFICANT CHANGE) a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit for the entire site; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change.
TYPE 1A	Decision by director, no administrative appeal, but 21-day public comment period after notice of application	Co-location of minor communication facilities, as defined in KMC 18.20.510, as now in effect or as may be subsequently amended.
TYPE 2	Decision by director/city manager ; appealable to hearing examiner; no further administrative appeal	Home industry ; short plat subdivision ; preliminary short plat subdivision revision; short plat alteration; road variance decisions rendered in conjunction with a short plat decision ; zoning variance; conditional use permit; temporary use ; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; Type 1 decision for which the department has issued a SEPA threshold determination³ ; procedural and substantive SEPA decision; site development permit plan review for uses allowed by zone; communication facilities permit under KMC Chapter 18.60 ; (SIGNIFICANT CHANGE) approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under KMC 18.55.180; preliminary determinations under KMC 19.25.030(B) ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions; variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC; binding site plan ; waivers from the moratorium provisions of this code based upon a finding of special circumstances ; Type 1 decisions that require a determination by the director regarding compliance with the Kenmore downtown design standards pursuant to KMC 19.25.020 ; (SIGNIFICANT CHANGE) ; master plans for uses allowed by zone pursuant to Chapter 19.23 KMC .
TYPE 3	Recommendation by director; hearing and decision by hearing examiner ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record	Preliminary plat subdivision ; plat alterations; preliminary plat subdivision revisions; special use.

TYPE 4 ⁴	Recommendation by director; hearing and recommendation by hearing examiner; decision by city council on the record	Zone reclassification; not related to a <i>site-specific comprehensive plan land use map amendment</i> ; shoreline environment redesignation; urban planned development; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay; master plans; site plan review for uses not allowed by zone pursuant to Chapter 49.2318.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan amendment or related zoning map or text amendment</i> .
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body; decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW.	<i>Comprehensive plan amendment</i> ; <i>development regulation amendment</i> ; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan amendment or related zoning map or text amendment</i> pursuant to Chapter 49.2318.120 KMC.

¹ When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions under KMC 16.35.060, the examiner, not the director, makes the decision. Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² The road variance process is administered by the designated city road engineer under the city road standards.

²² Only the SEPA threshold determination and issues relating to zoning code compliance, excluding compliance with permitted use provisions, may be appealed upon issuance of the threshold determination; other issues, including those relating to building code compliance, are not appealable. Type 1 land use decisions that are not categorically exempt from environmental review under RCW 43.21C (State Environmental Policy Act) shall provide a notice of application per KMC 19.25.060 and a notice of decision per KMC 19.25.090. The notice of decision may be a copy of the permit.

⁴³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone reclassifications that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter 19.20 KMC.

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

[Ord. 08-0293 § 2; Ord. 06-0255 § 10; Ord. 04-0194 §§ 1, 2; Ord. 03-0176 § 2; Ord. 02-0146 § 1; Ord. 98-0039 § 1; Ord. 98-0027 §§ 1, 2 (KCC 20.20.020).]

19.25.030

Preapplication conferences.

A. Prior to filing a permit application for a Type 1 decision for new commercial or multifamily development, for a change of use and/or classification, for a portable/modular structure, or for moving a building, the applicant shall contact the department to schedule a preapplication conference which shall be held prior to filing the application, except as provided herein, if the property will have 5,000 square feet of development site or right of way improvements, the property

is in a critical drainage basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal mine on site. Exempt from this requirement are:

1. A single family residence and its accessory buildings;

2. Other structures where all work is in an existing building and no parking is required or added.

Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the *applicant* shall contact the *department* to schedule a preapplication conference which shall be held prior to filing the application, except as provided herein. The purpose of the preapplication conference is to review and discuss the application requirements with the *applicant* and provide comments on the development proposal.

B. The preapplication conference shall be scheduled by the *department*, at the request of an *applicant*, and shall be held in a timely manner, within 30 days from the date of the *applicant's* request. A project coordinator shall be assigned by the department following the preapplication conference.

C. The ~~director~~city manager may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.

D. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the *applicant* from filing an application if the *department* is unable to schedule a preapplication conference within 30 days following the *applicant's* request.

Information presented at or required as a result of the preapplication conference shall be valid for a period of 180 days following the preapplication conference. An applicant wishing to submit a permit application more than 180 days following a preapplication for the same permit application shall be required to schedule another preapplication conference.

E. At or subsequent to a preapplication conference, the *department* may issue a preliminary determination that a proposed development is not permissible under applicable city policies or regulatory enactmentsregulations. In that event, the *applicant* shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as provided for in KMC Chapter 19.30, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in KMC 19.25.060(G) and (H). [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.20.030).]

F. A preapplication conference also may be held for other Type 1 land use decisions, if requested by an *applicant* or required by the *department*.

19.25.040

Application requirements.

A. The *department* shall not commence review of any application set forth in this chapterfor a land use decision until the *applicant* has submitted the materials and fees specified for complete applications.

B. The *department* shall specify the application requirements for Type 1 and Type 5 land use decisions on forms provided to the public.

C. Applications for land use permits requiring Type 1, 1A, 2, 3, 4 or 5 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in subsection (B) of this section, all For Type 2, 3 and 4 land use permit applicationsdecisions described in KMC 19.25.020, Exhibit A, the *applicant* shall file the following information with the *department*shall include the following:

1. A complete permit application, with supporting affidavits, on forms provided by the department;

2. Information specified on the application checklist provided by the *department* for the requested decision(s); and

3. Any additional information or materials that the *department* specifies at the pre-application meeting.

D. The *applicant* may and completed by the applicant that allows the applicant to file a single application form for all Type 2, 3 and 4 land use permits/decisions requested by the applicant for the development proposal at the time the application is filed.

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right of way and the following three requirements are met:

a. The name of the agency or private or public utility is shown on the application as the applicant;

b. The agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. The form designating who the applicant is, is submitted to the department prior to permit approval;

3. A certificate of sewer availability or site percolation data with preliminary approval by the Seattle King County department of public health;

4. A current certificate of water availability;

5. A fire district receipt pursuant to KMC Title 15, if required by Chapter 18.85 KMC;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots to be developed are recognized as a lot under this title;

8. A critical areas affidavit if required by Chapter 18.55 KMC;

9. A completed environmental checklist, if required by Chapter 19.35 KMC;

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to KMC Title 20;

11. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the city or any other governmental entity;

12. Certificate of future connection from the appropriate purveyor for lots which are proposed to be served by on-site or community sewage system and group B water systems or private well;

13. A determination if drainage review applies to the project pursuant to Chapter 13.35 KMC, and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to Chapter 13.35 KMC;

14. Three sets of mailing address labels for tax parcels to which public notice must be given as provided in this chapter for land use permits requiring a Type 2, 3, or 4 or 5 decision;

15. Legal description of the site;

16. Variances obtained or required under KMC Title 18 to the extent known at the date of application; and

17. For site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

E. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the *department* and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the *department* from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the *department*.

B. Additional complete application requirements for the following land use permits are set forth in the following:

1. Clearing and grading permits, KMC Title 15;
2. Construction permits, KMC Title 15;
3. Mobile home permits, KMC Title 15;
4. Subdivision applications, short subdivision applications and binding site plan applications, KMC 17.15.150; and
5. Type 5 land use decisions, KMC 19.20.070.

CE. The ~~director~~city manager may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

DE. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

E. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by KMC Title 20. [Ord. 08 0293 § 2; Ord. 06 0255 § 11; Ord. 04 0194 § 3; Ord. 98 0027 §§ 1, 2 (KCC 20.20.040).]

19.25.050

~~Notice of complete application to applicant~~Determination of completeness.

A. Within 28 ~~calendar~~ days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal.

B. An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the 28-day period as provided herein.

C. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within 14 ~~calendar~~ days whether the application is complete or what additional information specified by the department as provided in subsection (A) of this section is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the 14-day period that the application is incomplete.

D. ~~The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application~~determination of completeness as provided in subsection (A) or (C) of this section, or the failure of the department to provide such a ~~notice~~determination as provided in subsection (B) or (C) of this section, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

E. ~~The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within 90 days following notification from the department that the application is incomplete. [Ord. 08 0293 § 2; Ord. 98 0027 §§ 1, 2 (KCC 20.20.050).]~~

19.25.070055

~~Vesting.~~

A. Applications for Type 1, ~~1A,~~ 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions, shall be

considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The *department's* issuance of a notice of complete application determination of completeness as provided in this chapter, or the failure of the *department* to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. [Ord. 08-0293 § 2; Ord. 04-0194 § 5; Ord. 98-0027 §§ 1, 2 (KCC 20.20.070).]

18.05.020 Notification to tribes.

The city recognizes that many actions undertaken pursuant to this title, as amended, may impact treaty fishing rights of federally recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the city shall provide notice to any federally recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. [Ord. 98-0026 §§ 1, 2 (KCC 21A.01.025).]

19.25.060

Notice of application.

A. A notice of application shall be provided to the public for all land use permit applications requiring Type 1A, 2, 3 or 4 decisions or Type 1 decisions subject to SEPA or subsections (J) and (K) of this section, except notice is not required for Type 1 decisions that require a determination by the director regarding compliance with the Kenmore downtown design standards pursuant to KMC 19.25.020, unless any such Type 1 decision is also subject to SEPA or subsections (J) and (K) of this section.

B. Notice of the application shall be provided by the department within 14 calendar days following the department's determination that the application is complete. A public comment period of at least 21 calendar days shall be provided, except as otherwise provided in Chapter 90.58 RCW WAC 173-27-110 and WAC 173-27-120 regarding shoreline permits and RCW 58.17.215 with regards to subdivision alterations. The public comment period shall commence on the third calendar day following the department's mailing of the notice of application as provided for in subsection (G) of this section.

C. If the city has made a determination of significance (DS) under Chapter 43.21 RCW before the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

D. All required notices of application shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice determination of completeness and the date of the notice of application;

4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;

5. A site plan on eight-and-one-half-by-14-inch paper, if applicable;

6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;

7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;

8. The identification of other permits not included in the application to the extent known;

9. The identification of existing environmental documents that evaluate the proposed project; and

10. A statement of the preliminary determination, if one has been made, of those *development regulations* that will be used for project mitigation and of consistency with applicable *city* plans and regulations.

~~D. If the optional DNS process under KMC 19.35.100 is used, the notice of application shall identify the SEPA comment period and other information as required by WAC 197-11-355.~~

~~E. Within 14 calendar days of the determination of completeness for the application Notice shall be provided in the following manner; the notice of application shall be:~~

~~1. Posted at the project site on one or more public notice boards as provided in subsections (F) and (I) of this section KMC 19.25.065;~~

~~2. Mailed by first class mail as provided in subsection (G) of this section; and~~

~~G. Mailed notice for a proposal shall be sent by the department within 14 days after the department's determination of completeness follows:~~

~~1a. By first class mail to owners of record of property in an area within 500 feet of the site, but the area shall be expanded as necessary to send mailed notices to at least 20 different property owners; provided, that for site plan reviews conducted under KMC Chapter 18.105, the area shall be expanded to provide notice to owners of record of property within 1,000 feet of the site;~~

~~2b. To the State Department of Transportation, if the site adjoins a state highway;~~

~~3c. To the affected tribes;~~

~~4d. To any agency or community group which the department may identify as having an interest in the proposal;~~

~~5. Shall be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and~~

~~6e. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat.~~

~~F. 18.45.100 Pedestrian and bicycle circulation and access.~~

~~B. Residential Uses. 3. For residential uses of ten or more dwelling units only. In order to allow school districts to identify school bus stops, the department shall send a notice of application to affected school districts on all applications for residential uses of five or more dwelling units.~~

~~3. Published as provided in subsection (H) of this section H. Notice of a proposed action shall be published by the department within 14 days after the department's determination of completeness in the city's official newspaper of record.~~

~~5F. An affidavit of posting shall be submitted to the department by the applicant within 14 calendar days following the department's determination of completeness to allow continued processing of the application by the department; and~~

~~5G. Mailed notice shall be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and.~~

19.25.065**Public notice boards.**

~~FA.~~ Posted notice for a proposal shall consist of one or more Public notice boards posted shall be installed by the applicant for Type 2, 3 and 4 land use decisions or Type 1 decisions subject to SEPA within 14 days following the department's determination of completeness as follows:

1. A single notice board shall be posted installed for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:

a. At the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;

b. Five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of unless otherwise approved by the department;

c. So that the top of the notice board is between seven and nine feet above grade; and

d. Where it is completely visible to pedestrians;

2. Additional notice boards may be required when:

a. The site does not abut a public roadstreet;

b. A large site abuts more than one public roadstreet; or

c. The department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. Maintained in good condition by the applicant during the notice period through the time of the final city decision on the proposal, including the expiration of any applicable appeal periods, and for decisions which are appealed, through the time of the final resolution of any appeal;

b. In place at least 28 days before the date of any required hearing for a Type 3 or 4 decision, or at least 14 days following the department's determination of completeness for any Type 2 decision; and

c. Removed within 14 calendar days after the end of the notice administrative appeal period for Type 2 decisions and within 14 calendar days after the final city decision on the application for Type 3 and 4 decisions or Type 1 decisions subject to SEPA;

4. Removal of the notice board before the end of the notice time period specified in subsection 3.b. of this section may be cause for discontinuance of city review or extension of the appeal period until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within 14 days following the department's determination of completeness to allow continued processing of the application by the department; and

6. Notice boards shall be constructed and installed in accordance with subsection (F) of this section and any additional specifications promulgated by the department.

G. Mailed notice for a proposal shall be sent by the department within 14 days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within 500 feet of the site, but the area shall be expanded as necessary to send mailed notices to at least 20 different property owners;

2. To the State Department of Transportation, if the site adjoins a state highway;

3. To the affected tribes;

4. To any agency or community group which the department may identify as having an interest in the proposal;

5. Shall be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and

6. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat.

7. 18.45.100 Pedestrian and bicycle circulation and access.

B. Residential Uses. 3. In order to allow school districts to identify school bus stops, the department shall send a notice of application to affected school districts on all applications for residential uses of five or more dwelling units.

H. Notice of a proposed action shall be published by the department within 14 days after the department's determination of completeness in the city's official newspaper of record.

I. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in KMC 18.50.140(B);

2. Notice boards shall include the following information:

- a. Permit number and description of the project;
- b. Projected completion date of the project;
- c. A contact name and phone number for both the department and the applicant;
- d. A department contact number for complaints after business hours; and
- e. Hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified in subsection (F) of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

J. Posted and mailed notice consistent with this section shall be provided, to property owners of record, for any proposed single family residence in a higher density urban single family residential zone (R 4 through R 8) exceeding a size of 10,000 square feet of floor area as defined in the Washington State Uniform Building Code.

K. Posted and mailed notice consistent with this section shall be provided to any property owner of record for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

- 1. Offender self help agencies;
- 2. Parole offices;
- 3. Settlement houses;
- 4. Halfway homes for delinquents and offenders; and
- 5. Homes for destitute men and women. [Ord. 08-0293 § 2; Ord. 06-0255 § 12; Ord. 04-0194 § 4; Ord. 03-0176 § 3; Ord. 02-0128 § 1; Ord. 98-0027 §§ 1, 2 (KCC 20.20.060)]

19.25.070

Vesting.

A. Applications for Type 1, 1A, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions, shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. [Ord. 08-0293 § 2; Ord. 04-0194 § 5; Ord. 98-0027 §§ 1, 2 (KCC 20.20.070).]

19.25.080

Applications – Modifications to proposal.

A. Modifications required by the city to a pending application shall not be deemed a new application.

B. An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application when such modification would result in a substantial change in a project's review requirements, as determined by the department. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.20.080).]

19.25.083

Application cancelled for inactivity

An application for a decision under this chapter may be cancelled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, or additional information within 90 days of the date of request. The department may extend the response period beyond 90 days if, within the original 90-day time period, the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the department.

18.95.05019.25.085

Director review — Decision regarding proposalType 2 decisions.

A. Type 2 land use decisions regarding the approval or denial of proposals subject to director review shall be based upon compliance with the development standards and approval criteria for the requested decisionrequired showings of Chapter 18.105 KMC.

B. The written decision contained in the record shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and

2. Any conditions and limitations imposed, if the request is granted.

C. Rules. The director shall adopt rules for the transaction of business and city manager shall keep a public record of his or her actions, finding, waivers and determinations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.080).]

18.95.100

Records.

The department shall maintain public records for all permit approvals and denials containing the following information:

A. Application documents;

B. Tape recorded verbatim records of required public hearing;

C. Written recommendations and decisions for proposed actions;

D. Ordinances showing final council actions;

E. Evidence of notice;

F. Written comments received; and

G. Material submitted as exhibits. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.130).]

18.95.110**Review process for high schools.**

A. The school district shall hold a public hearing on the request for a building permit on the proposed high school and may merge the public hearing for environmental review with this hearing. The hearing shall address the proposal's compliance with the applicable development standards and whether the impacts of traffic on the neighborhood have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and/or through the payment of road impact fees. The hearing may be conducted by the board of directors, or where authorized by board policy, by a hearing examiner appointed by the school board. The district shall provide notice of the hearing as follows:

1. By posting the property;
2. By publishing in a newspaper of general circulation in the general area where the proposed high school is located;
3. By sending notices by first class mail to owners of property in an area within 500 feet of the proposed high school, but the area shall be expanded as necessary to send mailed notices to at least 20 different property owners; and
4. By sending notices to other residents of the district that have requested notice.

B. At a regularly scheduled or special board meeting, the board of directors shall adopt findings of compliance with applicable city of Kenmore development standards, including the decision criteria outlined in Chapter 18.105 KMC, or adopt proposed actions necessary to reach compliance. If a hearing examiner has been appointed, the board of directors shall review and adopt or reject the hearing examiner's proposed findings and/or proposed actions. The board may include in the record any information supporting its findings or any information from prior public meetings held on the same general subject at the discretion of the board.

C. Copies of the findings and/or the proposed actions shall be mailed to all parties of record and to the city.

D. Any aggrieved party of record may request the board of directors to reconsider the findings within 20 calendar days of its adoption. An aggrieved party requesting reconsideration shall submit written evidence challenging the findings or otherwise specifically identify reasons why the district has failed to reasonably comply with the applicable city of Kenmore development standards or the decision criteria outlined in Chapter 18.105 KMC. Within 30 calendar days after a request for reconsideration has been filed with the district, the board of directors may reconsider and revise the findings and/or proposed actions, or may decline to reconsider. Failure to act, or to initiate the process for reconsideration by notifying the aggrieved party of record of intent to reconsider, within the 30 day period shall be deemed to constitute a decision not to reconsider.

E. The board's final findings shall be attached to the district's building permit application and shall be considered as prima facie evidence of compliance with the applicable city of Kenmore development standards. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.140).]

19.25.090**Notice of decision or recommendation — Appeals.**

A. The department shall provide notice in a timely manner of ~~its~~the final decision or recommendation on permits requiring Type 1A, 2, 3, and 4 and 5 land use decisions, Type 1 decisions that require a determination by the director regarding compliance with the Kenmore downtown design standards, and or Type 1 decisions subject to SEPA, including the threshold determination, if any, the dates for any required public hearings and the procedures for administrative appeals, if applicable. Notice shall be provided to the applicant, to the Department of Ecology and to agencies with jurisdiction if required by Chapter 19.35 KMC, to the Department of

Ecology and Attorney General as provided in Chapter 90.58 RCW Shoreline Management Act, and to any person who, prior to the decision or recommendation, had requested notice of the decision or recommendation or submitted comments on the application, and to property owners of record, as provided in KMC 19.25.060(C). (SIGNIFICANT CHANGE) The notice of decision shall be posted on the public notice board(s) as provided in KMC 19.25.065 and an affidavit of posting shall be submitted to the department by the applicant within 6 calendar days following the department's mailing of the notice.

19.25.092**Appeals.**

B. Except for shoreline permits which are appealable to the State Shorelines Hearings Board, all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director/city manager shall be filed within 21 calendar days from the date of issuance of the notice of decision as provided in KMC 19.30.07080. A notice of appeal shall include a statement of appeal in accordance with KMC 19.30.07080(C). [Ord. 08-0293 § 2; Ord. 06-0255 § 13; Ord. 04-0194 § 6; Ord. 03-0176 § 4; Ord. 00-0095 § 1(A); Ord. 98-0027 §§ 1, 2 (KCC 20.20.090).]

18.85.01019.25.095**Applications – Limitations on refilling of applications.**

Upon denial by the hearing examiner or council of a zone reclassification or a special use permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial. [Ord. 98-0026 §§ 1, 2 (KCC 21A.40.070).]

19.25.100**Permit issuance.**

A. Final decisions by the city on all permits and approvals subject to the procedures of this chapter shall be issued within 120 calendar days from the date the applicant is notified by the department pursuant to this chapter that the application is complete, provided, that the following shorter time periods should apply for the type of land use permit indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days or 40 days ¹
SEPA exempt clearing and grading	45 days
SEPA clearing and grading	90 days
Health department review (for projects pending a final department review and/or permit)	40 days

¹ Forty days applies for residential appurtenances which require substantial site review.

The following periods shall be excluded from this 120-day period:

1. Any period of time during which the applicant has been requested by the department or hearing examiner to correct plans, perform required studies or provide additional information, including road/street variances and variances required under Chapter 13.35 KMC. The period shall

be calculated from the date of notice to the *applicant* of the need for additional information until the earlier of the date the *city* advises the *applicant* that the additional information satisfies the *city's* request, or 14 *calendar* days after the date the information has been provided. If the *city* determines that the correction, study or other information submitted by the *applicant* is insufficient, it shall notify the *applicant* of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The *department* shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the *applicant*. An extension of such deadline may be granted upon submittal by an *applicant* of a written request providing satisfactory justification of an extension.

b. Failure by the *applicant* to meet such deadline shall be cause for the *department* to cancel/deny the application.

c. When granting a request for a deadline extension, the *department* shall give consideration to the number of days between receipt by the *department* of a written request for a deadline extension and the mailing to the *applicant* of the *department's* decision regarding that request.

2. The period of time, as set forth in KMC 19.35.060, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

3. A period of no more than 90 *calendar* days for an open record appeal hearing by the *hearing examiner* on a Type 2 land use decision, and no more than 60 days for a closed record appeal by King County superior court on a Type 3 land use decision appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, except when the parties to an appeal agree to extend these time periods.

4. Any period of time during which an *applicant* fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the *department* by the *applicant*.

5. Any time extension mutually agreed upon by the *applicant* and the *department*.

B. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the *comprehensive plan* or a *development regulation*, or modification or waiver of a *development regulation* as part of a demonstration project;

2. Requires the siting of an essential public facility as provided for in RCW 36.70A.200; or

3. Is substantially revised by the *applicant*, when such revisions will result in a substantial change in a project's review requirements, as determined by the *department*, in which case the time period shall start from the date at which the revised project application is determined to be complete.

C. If the *department* is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project *applicant*. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. The *department* shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within 500 feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. [Ord. 08 0293 § 2; Ord. 06 0255 § 14; Ord. 98 0039 § 1; Ord. 98 0027 §§ 1, 2 (KCC 20.20.100).]

Chapter 19.30

HEARING EXAMINER

Sections:

- 19.30.010 Chapter purpose.
- 19.30.020 Office created.
- 19.30.030 Appointment.
- 19.30.040 Type 3 decisions — ~~Appeal.~~
- 19.30.050 Type 4 Recommendations to the council.
- 19.30.060 Time limits ~~Expeditious processing.~~
- 19.30.070 Final decisions by the examiner ~~Appeals.~~
- ~~19.30.080 Director review — Decision final unless appealed.~~
- 19.30.090 Notice of appeal to ~~hearing~~ examiner – Filing.
- 19.30.100 Dismissal of untimely appeals.
- 19.30.110 Expeditious processing ~~of appeals.~~
- ~~19.30.110 Condition, modification and restriction examples.~~
- 19.30.120 Quasi-judicial powers.
- 19.30.130 Freedom from improper influence.
- 19.30.140 Public hearing.
- 19.30.150 Consolidation of hearings.
- 19.30.160 Prehearing conference.
- 19.30.170 Report by department.
- 19.30.180 Notice.
- 19.30.190 Rules and conduct of hearings.
- 19.30.200 Case management techniques.
- 19.30.210 ~~Hearing~~ Examiner findings.
- 19.30.220 Additional ~~hearing~~ examiner findings – Reclassifications and shoreline ~~environment~~ redesignations.
- 19.30.230 Additional ~~hearing~~ examiner findings – Preliminary ~~plat~~ subdivisions.
- 19.30.240 Additional hearing examiner findings – Master plans and special uses.
- ~~19.30.240 Additional examiner findings and recommendations – School capacities.~~
- 19.30.250 Written decisions ~~- Appeals.~~
- 19.30.260 Voluntary mediation.
- 19.30.270 Site-specific land use map amendment.
- ~~19.30.280 Chapter re-enacted.~~
- ~~19.30.285 Adult business licensing appeals.~~

19.30.010

Chapter purpose.

The purpose of this chapter is to provide a system of considering and applying regulatory devices which will best satisfy the following basic needs:

- ~~A. The need to separate the application of regulatory controls to the land from planning;~~
- ~~B. The need to better protect and promote the interests of the public and private elements of the community;~~
- C. The need to expand the principles of fairness and due process in public hearings. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.010).]

19.30.020**Office created.**

The office of hearing examiner is created. The **hearing** examiner shall act on behalf of the *city* in considering and applying adopted *city* policies and regulations as provided herein. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.020).]

19.30.030**Appointment.**

The *city manager* **or his or her designee** is authorized to appoint a **hearing** examiner(s) and to execute the necessary contract documents as appropriate. [Ord. 98-0027 § 5.]

19.30.05040**Type 3 decisions ~~Appeal.~~**

A. The **hearing** examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions on Type 3 land use permit applications, including findings and conclusions, based on the issues and evidence in the record. The decision of the **hearing** examiner on Type 3 land use permit applications shall be appealable directly to the King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record established by the **hearing** examiner.

B. The **hearing** examiner's decision may be to grant or deny the application, or the **hearing** examiner may grant the application with such conditions, modifications and restrictions as the **hearing** examiner finds necessary ~~to carry out applicable state laws and regulations, including Chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of the city of Kenmore. In case of any conflict between the city of Kenmore comprehensive plan and a community, subarea or neighborhood plan, the comprehensive plan shall govern.~~ [Ord. 98-0039 § 1; Ord. 98-0027 §§ 1, 2 (KCC 20.24.072).]

19.30.04050**Type 4 Recommendations to the council.**

A. The **hearing** examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the *council* based on the issues and evidence in the record in the following cases:

1. All Type 4 land use decisions;
2. Other applications **or appeals** that the *council* may prescribe by ordinance.

B. The **hearing** examiner's recommendation may be to grant or deny the application **or appeal**, or the **hearing** examiner may recommend that the *council* adopt the application **or appeal** with such conditions, modifications and restrictions as the **hearing** examiner finds necessary ~~to carry out applicable state laws and regulations and the regulations, including Chapter 43.21C RCW, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of the city of Kenmore. In case of any conflict between the city of Kenmore comprehensive plan and a community, subarea or neighborhood plan, the comprehensive plan shall govern.~~ [Ord. 98-0027 §§ 1, 2 (KCC 20.24.070).]

19.30.10060**~~Time limits~~Expeditious processing.**

A. Hearings on Type 3 or Type 4 applications shall be scheduled by the hearing examiner to ensure that final decisions are issued within the time periods provided in KMC 19.25.100.

B. In all matters where the hearing examiner holds a hearing on a Type 3 or Type 4 applications under KMC 19.30.040, the hearing shall be completed and the hearing examiner's written report and decision or recommendations issued within 2414 calendar days from the date the hearing opens/closes, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to KMC 19.30.060, the appeal process, including a written decision, shall be completed within 90 days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to KMC 19.30.070. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional 30 days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.098).]

19.30.06070**~~Final decisions by the examiner~~Appeals.**

A. The hearing examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court, or to other designated authority in the following cases:

1. Appeals from the decisions of the administrator for short subdivisions, including those variance decisions of the road engineer made pursuant to KMC 12.50.060 with regard to road circulation in the subject short subdivisions;

21. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the State Shoreline Hearings Board;

32. Appeals from citations, notices and orders and stop work orders issued pursuant to Chapter 1.20 KMC or Title 1.08 of the rules and regulations of the King County board of health;

43. Appeals from decisions regarding the abatement of a nonconformance;

54. Appeals from decisions of the director of the Department of Natural Resources/city manager on requests for rate adjustments to surface and stormwater management rates and charges;

65. Appeals from police department seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;

76. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in KMC Title 18;

87. Appeals from the department's final decisions regarding transportation concurrency, impact fees and intersection standards provisions of Chapter 12.75 KMC;

9. Appeals from decisions of the interagency review committee regarding sending site applications for certification;

B. Appeals under KMC Chapter 19.35 (the State Environmental Policy Act – SEPA);

9. 19.30.285Adult business licensing appeals. A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof,

and issue decisions on appeals of decisions for the licensing of adult cabarets and adult retail businesses, including findings and conclusions, based on the issues and evidence in the record. The decision of the examiner shall be appealable directly to the King County superior court, on the record established by the examiner. B. The appeal to the examiner for the matters described in subsection (A) of this section shall be governed by the procedures set forth in this chapter. [Ord. 06-0240 § 4.];

10. Appeals from written interpretations of the zoning code under KMC 18.10.070;

11. Appeals of flood hazard area boundaries under KMC 18.55.710(D);

12. Appeals from a preliminary determination that a proposed development is not permissible under KMC 19.25.030; and

13. Other applications or appeals which the council may prescribe by ordinance.

B. The hearing examiner's decision may be to grant or deny the application or appeal, or the hearing examiner may grant the application or appeal with such conditions, modifications and restrictions as the hearing examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of the city of Kenmore. In case of any conflict between the Kenmore comprehensive plan and a community, subarea or neighborhood plan, the Kenmore comprehensive plan shall govern. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.080).]

18.95.060

Director review—Decision final unless appealed.

B. The examiner shall review and make decisions based upon information contained in the written appeal and the record.

19.30.070

Notice of appeal to hearing examiner – Filing.

A. Except as otherwise provided herein, all notices of appeal to the hearing examiner shall be filed with the city clerk. Except as otherwise provided herein, all notices of appeal, together with the required appeal fee, shall be filed within 21 calendar days from the date of issuance of the decision being appealed.

B. Notices of appeal of any recommendation to deny vacation of a city street shall be filed along with the required appeal fee with the city clerk within 21 days of the written issuance of such recommendation of denial.

C. City department staff shall:

1. Be available within a reasonable time to persons wishing to file a notice of appeal subsequent to a city department ruling, and to respond to queries concerning the facts and process of the city decision; and

2. Make available within a reasonable time a complete set of files detailing the facts of the department ruling in question to persons wishing to file a notice of appeal, subsequent to a city department ruling. If a department is unable to comply with these provisions, the hearing examiner may authorize amendments to a notice of appeal to reflect information not made available to an appellant within a reasonable time due to a failure by a city department to meet the foregoing requirements.

B. The statement of appeal required as part of the notice of appeal shall identify the decision being appealed and the alleged errors in that decision. Further, the statement of appeal shall state specific reasons why the decision should be reversed or modified; and the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal.

C. Failure to timely file a notice of appeal, or appeal fee deprives the hearing examiner of jurisdiction to consider the appeal. [Ord. 00-0095 § 1(B), (C), (D); Ord. 98-0027 §§ 1, 2 (KCC 20.24.090).]

19.30.08090

Dismissal of untimely appeals.

On its own motion, or on the motion of a party, the **hearing** examiner shall dismiss an appeal for untimeliness or lack of jurisdiction. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.095).]

19.30.090100

Expeditious processing of appeals.

A. Hearings shall be scheduled by the examiner to ensure that final decisions are issued within the time periods provided in KMC 19.25.100.

BA. Appeals shall be processed by the **hearing** examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. **In every appeal heard by the hearing examiner pursuant to KMC 19.30.06070, the appeal process, including a written decision, shall be completed within 90 days from the date the hearing examiner's office is notified of the filing of a notice of appeal pursuant to KMC 19.30.07080. When reasonably required necessary to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the hearing examiner at the hearing examiner's discretion for an additional 30 days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral extension shall be stated in the hearing examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the hearing examiner.**

B. Unless a longer period is agreed to by the parties, or the **hearing** examiner determines that the size and scope of the project is so compelling that a longer period is required, a **prehearing conference or a public hearing shall occur within 45 calendar days from the date the office of the hearing examiner is notified that a complete statement of appeal has been filed. In such cases wWhere the hearing examiner has determined that the size and scope warrant such an extension, the reason for the deferral shall be stated in the examiner's recommendation or decision. The this time period may be extended by the hearing examiner at the hearing examiner's discretion for not more than 3020 calendar days. The reason for the extension shall be stated in the hearing examiner's decision.** [Ord. 98-0027 §§ 1, 2 (KCC 20.24.097).]

19.30.110

Condition, modification and restriction examples.

The examiner is authorized to impose conditions, modifications and restrictions, including but not limited to setbacks, screenings in the form of landscaping or fencing, covenants, easements, road improvements and dedications of additional road right of way and performance bonds as authorized by city ordinances. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.100).]

19.30.120

Quasi-judicial powers.

The **hearing** examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by city ordinance. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.110).]

19.30.130**Freedom from improper influence.**

Individual *council* members or any other person shall not interfere with or attempt to interfere with the **hearing** examiner in the performance of his or her designated duties. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.120).]

19.30.140**Public hearing.**

When it is found that an application meets the filing requirements of the **responsible city department** or an appeal meets the filing rules, it shall be accepted and a date assigned for public hearing. If for any reason testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the matter shall be continued to the soonest available date. A matter should be heard, to the extent practicable, on consecutive days until it is concluded. For purposes of proceedings identified in KMC **19.30.040 and 19.30.050**, the public hearing by the **hearing** examiner shall constitute the hearing by the *council*. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.130).]

19.30.150**Consolidation of hearings.**

Whenever a project application includes more than one *city* permit, approval or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner pursuant to KMC 19.25.020. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.140).]

19.30.160**Prehearing conference.**

A prehearing conference may be called by the **hearing** examiner pursuant to this chapter upon the request of a party, or on the **hearing** examiner's own motion. A prehearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party. The prehearing conference shall be held at such time as ordered by the **hearing** examiner, but not less than 14 **calendar** days prior to the scheduled hearing ~~and~~ with not less than seven **calendar** days' notice to those who are then parties of record to the proceeding. The purpose of a prehearing conference shall be to identify to the extent possible, the facts in dispute, issues, laws, parties and witnesses in the case. In addition the prehearing conference is intended to establish a timeline for the presentation of the case. The **hearing** examiner shall establish rules for the conduct of prehearing conferences.

Any party who does not attend the prehearing conference, or anyone who becomes a party of record after notice of the prehearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the **hearing** examiner at the hearing. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.145).]

19.30.170**Report by department.**

When an application or appeal has been set for public hearing, the **responsible city department** shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application or appeal and shall prepare a report summarizing the factors involved and the *department* findings and recommendation or decision. At least 14 calendar days prior to the scheduled hearing, the report, and in the case of appeals any written appeal arguments submitted to the *city*, shall be filed with the **hearing** examiner ~~and copies thereof shall be mailed to all persons of record who have not previously received said materials.~~ [Ord. 98-0027 §§ 1, 2 (KCC 20.24.150).]

19.30.180**Notice.**

A. Notice of the time and place of any hearing on an application **or appeal** before the hearing examiner pursuant to this chapter shall be mailed by first class mail at least 14 calendar days prior to the scheduled hearing date to all persons who commented **on the application** or requested notice of the hearing **along with the report by the city, and in the case of appeals any written appeal arguments submitted to the city.** ~~The notice of decision or recommendation required by this title may be combined with the notice of hearing required hereby.~~

B. Notice of the time and place of any appeal hearing before the hearing examiner pursuant to this chapter shall be mailed to all parties of record by first class mail at least 14 calendar days prior to the scheduled hearing date.

C. ~~If testimony cannot be completed prior to adjournment on the date set for a hearing, the examiner shall announce prior to adjournment the time and place said hearing will be continued. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.160).]~~

19.30.190**Rules and conduct of hearings.**

The **hearing** examiner shall adopt rules for the conduct of hearings and for any mediation process consistent with this chapter. Such rules shall be published and available upon request to all interested parties. The **hearing** examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

To avoid unnecessary delay and to promote efficiency of the hearing process, the **hearing** examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard, in light of *city* policies and regulations, and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The **hearing** examiner may establish reasonable time limits for the presentation of direct oral testimony, cross examination and argument. Any written submittals will be admitted only when authorized by the **hearing** examiner under pertinent and promulgated administrative rules. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.170).]

19.30.200**Case management techniques.**

In all matters heard by the **hearing** examiner, the **hearing** examiner shall use case management techniques to the extent reasonable including: limiting testimony and argument to relevant issues and to matters identified in the prehearing order (if applicable); prehearing identification and submission of exhibits (if applicable); stipulated testimony or facts; prehearing dispositive motions (if applicable); and other methods to promote efficiency and to avoid delay. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.175).]

19.30.210**Hearing Examiner findings.**

When the **hearing** examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record which support the decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the *comprehensive plan*, subarea or **communityneighborhood** plans, the zoning code (KMC Title 18), the **land segregationsubdivision** code (KMC Title 17), and other official laws, policies and objectives of the **city of Kenmore**, and

that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.180).]

19.30.220

Additional hearing examiner findings – Reclassifications and shoreline environment redesignations.

When the hearing examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

~~A. The property is potentially zoned for the reclassification being requested and conditions have been met that indicate the reclassification is appropriate;~~

~~BA.~~ An adopted *subarea plan* or *area zoning* specifies that the property shall be subsequently considered through an individual *reclassification* application;

~~CB.~~ Where a *subarea plan* has been adopted but subsequent *area zoning* has not been adopted, that the proposed *reclassification* or shoreline redesignation is consistent with the adopted *subarea plan*; or

~~DC.~~ The applicant has demonstrated with substantial evidence that:

1. Since the last previous *area zoning* or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the *subarea plan* or *area zoning*;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate. For the purposes of this subsection, “changed conditions or circumstances” does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services, or changing property ownership;

~~3. For proposals to increase rural residential density, that the proposal meets the criteria in the comprehensive plan;~~

~~4.~~ For proposals to increase ~~urban~~ residential density, that the proposal meets the criteria in the *comprehensive plan*; and

~~5.~~ The requested *reclassification* or redesignation is in the public interest. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.190).]

19.30.230

Additional hearing examiner findings – Preliminary plat subdivisions.

When the hearing examiner makes a decision regarding an application for a proposed preliminary ~~plat subdivision~~, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such subdivision and dedication. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.195).]

19.30.240**Additional hearing examiner findings – Master plans, site plan reviews, and special uses.**

When the hearing examiner makes a recommendation or decision regarding an application for a proposed master plan, site plan review or special use, the recommendation or decision shall include additional findings as to whether the proposal complies with the criteria in KMC 18.105.050(A), 18.120.040(B) and/or KMC 18.115.050.

19.30.240**Additional examiner findings and recommendations – School capacities.**

Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in KMC 18.65.120 if the development were approved, the examiner shall remand to the department of community development to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency, or deny the proposal if required by this chapter. The examiner shall prepare findings to document the facts that support the action taken. The examiner shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or shall require the provision of the needed facilities. An offer of payment of a school impact fee as required by ordinance shall not be a substitute for the phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with phasing of an impact mitigation fee if the provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.197).]

19.30.250**Written decisions - Appeals.**

A. Within 10 days of the conclusion of a hearing or rehearing, the hearing examiner shall render a written recommendation or decision on an appeal and shall be transmitted a copy thereof to all persons parties of record. The examiner's decision shall identify the applicant and/or the owner by name and address.

B. Decisions of the hearing examiner in cases identified in KMC 19.30.040 may be appealed to the King County superior court by an aggrieved party by filing a notice of appeal in accordance with the Land Use Petition Act. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.210).]

19.30.260**Voluntary mediation.**

As to any application or appeal pursuant to this chapter which is or could become the subject of a public hearing, the responsible city department or the hearing examiner, may at their own discretion or at the request of the applicant or any person with standing to the application or appeal, at any state of the proceedings on the application or appeal, initiate a mediation process to resolve disputes as to such application or appeal. The mediation process shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent impartial mediator who shall not be a city employee or any person who will have any role in making any recommendation or decision on the application or appeal. The mediation shall be conducted in accordance with rules of mediation prepared by the hearing examiner. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.330).]

19.30.270**Site specific land use map amendment.**

Upon initiation of a site specific land use map amendment to the comprehensive plan pursuant to KMC 19.20.050, the hearing examiner shall conduct a public hearing to consider the report and recommendation of the department and to take testimony and evidence relating to the proposed amendment. The hearing examiner may consolidate hearings pursuant to KMC 19.30.150 to the extent practical. Following the public hearing, the hearing examiner shall complete a report within 30 days which contains written findings and conclusions regarding the proposed amendment's qualification for annual review consideration, and consistency or lack of consistency with the applicable review criteria. An annual report containing all site specific land use map amendment reports which have been completed shall be compiled by the hearing examiner and submitted to the council by January 15th of the following year. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.400).]

19.30.280**Chapter re enacted.**

This chapter, as in effect on February 28, 1997, is hereby re enacted. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.500).]

19.30.285**Adult business licensing appeals.**

A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions on appeals of decisions for the licensing of adult cabarets and adult retail businesses, including findings and conclusions, based on the issues and evidence in the record. The decision of the examiner shall be appealable directly to the King County superior court, on the record established by the examiner.

B. The appeal to the examiner for the matters described in subsection (A) of this section shall be governed by the procedures set forth in this chapter. [Ord. 06-0240 § 4.]

Chapter 19.35

ENVIRONMENTAL PROCEDURES

Sections:

19.35.010 User guide

19.35.010 Definitions and abbreviations.

19.35.020 Lead agency.

19.35.040 Responsible official.

19.35.030 Purpose and general requirements.

19.35.040 Categorical exemptions and threshold determinations.

19.35.050 Substantive authority.

19.35.080 Threshold determinations

19.35.060 Environmental impact statements and other environmental documents.

19.35.070 Comments and public notice.

19.35.080 Use of existing environmental documents.

19.35.070 Use of environmental documents

19.35.100 SEPA/GMA integration.

19.35.050 Planned actions.

19.35.110 Ongoing actions.

19.35.120 Responsibility as consulted agency.

19.35.130 Appeals.

19.35.140 Department procedural rules.

19.35.170 Fees.

19.35.180 Forms.

19.35.150 Severability.

19.35.160 Effective date.

19.35.010**User guide**

This chapter contains the city's laws that implement the State Environmental Policy Act (Chapter 43.21C RCW). This chapter contains several references to Chapter 197-11 WAC, which also implements the State Environmental Policy Act. Subsections of this chapter may reference sections of Chapter 197-11 WAC that are adopted by reference. These WAC sections, as well as Chapter 43.21C RCW, should be consulted for complete information regarding SEPA.

19.35.010**Definitions and abbreviations.**

A. The city of Kenmore adopts by reference the following sections of the WAC which contain information on the usage and definition of terms under SEPA: definitions contained in WAC 197-11-700 through 197-11-799.

197-11-040**Definitions:****197-11-220****SEPA/GMA definitions:****197-11-700****Definitions:****197-11-702****Act:**

ATTACHMENT 3

DRAFT
5/23/11

<u>197-11-704</u>	<u>Action:</u>
<u>197-11-706</u>	<u>Addendum:</u>
<u>197-11-708</u>	<u>Adoption:</u>
<u>197-11-710</u>	<u>Affected tribe:</u>
<u>197-11-712</u>	<u>Affecting:</u>
<u>197-11-714</u>	<u>Agency:</u>
<u>197-11-716</u>	<u>Applicant:</u>
<u>197-11-718</u>	<u>Built environment:</u>
<u>197-11-720</u>	<u>Categorical exemption:</u>
<u>197-11-721</u>	<u>Closed record appeal:</u>
<u>197-11-722</u>	<u>Consolidated appeal:</u>
<u>197-11-724</u>	<u>Consulted agency:</u>
<u>197-11-726</u>	<u>Cost-benefit analysis:</u>
<u>197-11-728</u>	<u>County/city:</u>
<u>197-11-730</u>	<u>Decision maker:</u>
<u>197-11-732</u>	<u>Department:</u>
<u>197-11-734</u>	<u>Determination of nonsignificance (DNS):</u>
<u>197-11-736</u>	<u>Determination of significance (DS):</u>
<u>197-11-738</u>	<u>EIS:</u>
<u>197-11-740</u>	<u>Environment:</u>
<u>197-11-742</u>	<u>Environmental checklist:</u>
<u>197-11-744</u>	<u>Environmental document:</u>
<u>197-11-746</u>	<u>Environmental review:</u>
<u>197-11-750</u>	<u>Expanded scoping:</u>
<u>197-11-752</u>	<u>Impacts:</u>
<u>197-11-754</u>	<u>Incorporation by reference:</u>
<u>197-11-756</u>	<u>Lands covered by water:</u>
<u>197-11-758</u>	<u>Lead agency:</u>
<u>197-11-760</u>	<u>License:</u>
<u>197-11-762</u>	<u>Local agency:</u>
<u>197-11-764</u>	<u>Major action:</u>
<u>197-11-766</u>	<u>Mitigated DNS:</u>
<u>197-11-768</u>	<u>Mitigation:</u>
<u>197-11-770</u>	<u>Natural environment:</u>
<u>197-11-772</u>	<u>NEPA:</u>
<u>197-11-774</u>	<u>Nonproject:</u>

197-11-775	Open record hearing;
197-11-776	Phased review;
197-11-778	Preparation;
197-11-780	Private project;
197-11-782	Probable;
197-11-784	Proposal;
197-11-786	Reasonable alternative;
197-11-788	Responsible official;
197-11-790	SEPA;
197-11-792	Scope;
197-11-793	Scoping;
197-11-794	Significant;
197-11-796	State agency;
197-11-797	Threshold determination;
197-11-799	Underlying governmental action.

In addition, the following definitions are adopted for this chapter:

1. "City council" means the city council or its duly authorized designee;
2. "City department" means any administrative office or executive department;
3. "City manager" means any city manager or his or her duly authorized designee.

B. The following abbreviations are used in this chapter:

1. SEPA – State Environmental Policy Act;
2. DNS – Determination of Nonsignificance;
3. DOE – Washington State Department of Ecology;
4. DS – Determination of Significance;
5. EIS – Environmental Impact Statement. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.010).]

19.35.02030

Lead agency.

The procedures and standards regarding lead agency responsibility contained in the following sections of the WAC 197-11-050 and WAC 197-11-922 through 197-11-948 are adopted, subject to the following:

197-11-050	Lead agency;
197-11-900	Purpose of this part;
197-11-922	Lead agency rules;
197-11-924	Determining lead agency;
197-11-926	Lead agency for governmental proposals;
197-11-928	Lead agency for public and private proposals;
197-11-930	Lead agency for private projects with

	one agency with jurisdiction;
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city;
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city; and one or more state agencies;
197-11-936	Lead agency for private projects requiring licenses from more than one state agency;
197-11-938	Lead agencies for specific proposals;
197-11-940	Transfer lead agency status to a state agency;
197-11-942	Agreements on lead agency status;
197-11-944	Agreements on division of lead agency duties;
197-11-946	DOE resolution of lead agency disputes;
197-11-948	Assumption of lead agency status.

19.35.040**Responsible official.**

For all proposals for which the city is the lead agency, the responsible official shall be the city manager ~~or his or her designee~~. For these proposals, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the “lead agency” or “responsible official” by this chapter.

~~A. The city department exercising initial jurisdiction over a private proposal or sponsoring a city project shall be responsible for performing the duties of the lead agency. The director of such department shall serve as the responsible official. Department directors may transfer lead agency and responsible official responsibility to any city department which agrees to perform as lead agency or may delegate such responsibility to divisions within their own departments.~~

~~B. With respect to actions initiated by the city council, the council shall refer such proposals to the city manager for designation of a city department as lead agency.~~

~~C. In the event of uncertainty or disagreement regarding lead agency status, the city manager shall designate the city department responsible for performing the function of lead agency. {Ord. 98-0027 §§ 1, 2 (KCC 20.44.020).}~~

19.35.04050**Purpose and General requirements.**

The procedures and standards regarding the ~~timing and content of environmental review specified in WAC 197-11-055 through 197-11-100~~ general requirements that apply to the SEPA process are adopted subject to the following:

197-11-055	Timing of the SEPA process;
------------	-----------------------------

197-11-060	Content of environmental review;
197-11-070	Limitations on action during SEPA process;
197-11-080	Incomplete or unavailable information;
197-11-090	Supporting documents;
197-11-100	Information required of applicants;
197-11-158	GMA project review—Reliance on existing plans, laws and regulations;
197-11-238	Monitoring;
197-11-300	Purpose of this part;
197-11-650	Purpose of this part;
197-11-655	Implementation;
197-11-900	Purpose of this part;
197-11-902	Agency SEPA policies;
197-11-904	Agency SEPA procedures;
197-11-906	Content and consistency of agency procedures;
197-11-910	Designation of responsible official;
197-11-912	Procedures of consulted agencies;
197-11-916	Application to ongoing actions;
197-11-920	Agencies with environmental expertise

~~A. Pursuant to WAC 197-11-055(4), the city of Kenmore shall adopt rules and regulations establishing a process for environmental review at the conceptual stage of permit applications which require detailed project plans and specifications (i.e., building permits and PUDs). This process shall not become effective until it has been reviewed by the council.~~

~~BA.~~ The optional provision of WAC 197-11-060(3)(c) is adopted.

~~CB.~~ Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency department shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

~~DC.~~ The *city manager* may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.030).]

19.35.04060

Categorical exemptions and threshold determinations.

~~A. The city of Kenmore adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions~~

and making threshold determinations subject to the following. The city adopts by reference the following sections of the WAC which contain information on categorical exemptions:

197-11-305 Categorical exemptions;

197-11-800 Categorical exemptions;

197-11-880 Emergencies;

197-11-890 Petitioning DOE to change exemptions;

197-11-908 Critical areas.

1. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) except as provided in WAC 197-11-305 and 197-11-800(1)(a) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any residential structures of ~~four~~20 or fewer (SIGNIFICANT CHANGE) dwelling units;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~10,000~~30,000 (SIGNIFICANT CHANGE) square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~40 automobiles (SIGNIFICANT CHANGE);

d. The construction of a parking lot designed for ~~20~~40 (SIGNIFICANT CHANGE) automobiles;

e. Any fill or excavation of ~~100~~500 (SIGNIFICANT CHANGE) cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. [Ord. 98-0027 §§ 1, 2, 7 (KCC 20.44.040).]

2. The determination of whether a proposal is categorically exempt shall be made by the city department that serves as lead agency for such proposal.

19.35.09070

Substantive authority.

The procedures and standards of WAC 197-11-650 through 197-11-660 following section of the WAC regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.

197-11-660 Substantive authority and mitigation.

A. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the city's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240 and subsection (C) of this section:

1. The policies of the State Environmental Policy Act, RCW 43.21C.020;
2. The city of Kenmore *comprehensive plan*, its addenda, and revisions and *communityneighborhood* and *subarea plans* and housing report; and
3. ~~Surface water management program basin plans, and other plans as specified in Chapter 19.15 KMC;~~
4. The city of Kenmore zoning code, KMC Title 18;
5. The city of Kenmore landmarks preservation code, Chapter 2.20 KMC;
6. The city of Kenmore shoreline management *master plan* code, KMC Title 16;
7. The city of Kenmore surface water runoff policy, as adopted in Chapter 13.35 KMC;
8. The city of Kenmore *roadstreet* standards, Chapter 12.50 KMC;
9. The comprehensive plan for transportation adopted by Resolution No. 6617 of the council of the municipality of metropolitan Seattle;
10. The comprehensive sewerage disposal plan adopted by Resolution No. 23 of the council of the municipality of metropolitan Seattle;
11. The rules and regulations on the consistency of sewer projects with local land use plans and policies set forth in King County Ordinance 11034, as amended;
12. The rules and regulations for the disposal of industrial waste into the sewerage system set forth in King County Ordinance 11034, as amended;
13. The Washington Department of Ecology's Best Management Practices for the Use of Municipal Sludge;

~~CB.~~ Substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below or unusual circumstances exist. In cases where the city has adopted the following regulations to systematically avoid or mitigate adverse impacts ~~[Chapter 18.30 KMC, Development Standards—Density and Dimensions, Chapter 18.35 KMC, Development Standards—Design Requirements, Chapter 18.40 KMC, Development Standards—Landscaping and Water Use, Chapter 18.45 KMC, Development Standards—Parking and Circulation, Chapter 18.50 KMC, Development Standards—Signs, Chapter 18.55 KMC, Critical Areas, Chapter 18.60 KMC, Development Standards—Communication Facilities, Chapter 18.65 KMC, Development Standards—Adequacy of Public Facilities and Services]~~, those standards and regulations will normally constitute adequate mitigation of the impacts of new development. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the ~~foregoing~~ regulations, will be subject to site-specific or project-specific SEPA mitigation.

~~The provisions of this subsection shall not apply if the city's development regulations cited in this subsection are amended after April 22, 1996, unless the amending ordinance contains a finding, supported by documentation, that the requirements for environmental analysis, protections and mitigation measures in the code chapter, as amended, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.~~

~~DC.~~ Any decision to ~~approve~~ deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in ~~the~~ responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts ~~for lack thereof~~ as identified in an environmental checklist, EIS, threshold determination, other environmental document including an ~~executive department's~~ staff report and recommendation to a decisionmaker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation which supports the SEPA decision and, if mitigation beyond existing *development regulations* is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.

ED. This chapter shall not be construed as a limitation on the authority of the city of Kenmore to approve, deny or condition a proposal for reasons based upon other statutes, ordinances or regulations. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.080).]

19.35.080

Threshold determinations.

The city adopts by reference the following sections of the WAC which contain related information:

197-11-310	Threshold determination required;
197-11-315	Environmental checklist;
197-11-330	Threshold determination process;
197-11-335	Additional information;
197-11-340	Determination of nonsignificance (DNS);
197-11-350	Mitigated DNS;
197-11-360	Determination of significance (DS)/initiation of scoping;
197-11-390	Effect of threshold determination;
197-11-660	Substantive authority and mitigation.

BA. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the *department* issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.
2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. [Ord. 98-0027 §§ 1, 2, 7 (KCC 20.44.040).]

19.35.060

Environmental impact statements and other environmental documents.

The following sections of the WAC related to procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

197-11-400	Purpose of EIS;
197-11-402	General requirements;
197-11-405	EIS types;
197-11-406	EIS timing;
197-11-408	Scoping;
197-11-410	Expanded scoping;
197-11-420	EIS preparation;
197-11-425	Style and size;
197-11-430	Format;
197-11-435	Cover letter or memo;

197-11-440	EIS contents;
197-11-442	Contents of EIS on nonproject proposals;
197-11-443	EIS contents when prior nonproject EIS;
197-11-444	Elements of the environment;
197-11-448	Relationship of EIS to other considerations;
197-11-450	Cost-benefit analysis;
197-11-455	Issuance of DEIS;
197-11-460	Issuance of FEIS.

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the *city department acting as lead agency* shall be responsible for preparation and content of EISs and other environmental documents. The *department* shall contract with consultants as necessary for the preparation of environmental documents. The *department* may consider the opinion of the applicant regarding the qualifications of the consultant but the *department* shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or subconsultants selected by the *city of Kenmore* to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D. The *department shall may* establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the *department* requires consultant services to prepare environmental documents, the *department* shall select a consultant from the lists and negotiate a contract for such services. ~~The department director may waive these requirements as provided for in rules adopted to implement this section. Subject to KMC 19.35.140, the department of community development shall promulgate administrative rules prior to the effective date of this section that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter.~~

E. All costs of preparing the environment document shall be borne by the applicant. ~~Subject to KMC 19.35.140, the department of community development shall promulgate administrative rules which establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.~~

F. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the *department* and consultant. The applicant shall continue to be responsible for all monies expended by the *city* or consultants to the point of receipt of notification to

suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G. The *department* shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the *department* within 270 calendar days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the *department* determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided, that the additional time shall not exceed 90 calendar days unless agreed to by the applicant.

H. The following periods shall be excluded from the 270-day time period for issuing a final environmental impact statement:

1. Any time period during which the applicant has failed to pay required environmental review fees to the *department*;
2. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement; and
3. Any period of time during which the applicant has not authorized the *department* to proceed with preparation of the environmental impact statement. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.050).]

19.35. ~~070~~100

Comments and public notice.

This section contains rules for commenting on and responding to environmental documents, including rules for public notices and hearings. The city adopts by reference the following related sections of the WAC: A. The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.

<u>197-11-355</u>	<u>Optional DNS process;</u>
<u>197-11-500</u>	<u>Purpose of this part;</u>
<u>197-11-502</u>	<u>Inviting comment;</u>
<u>197-11-504</u>	<u>Availability and cost of environmental documents;</u>
<u>197-11-508</u>	<u>SEPA register;</u>
<u>197-11-510</u>	<u>Public notice;</u>
<u>197-11-535</u>	<u>Public hearings and meetings;</u>
<u>197-11-545</u>	<u>Effect of no comment;</u>
<u>197-11-550</u>	<u>Specificity of comments;</u>
<u>197-11-560</u>	<u>FEIS response to comments;</u>
<u>197-11-570</u>	<u>Consultant agency costs to assist lead agency.</u>

A. A public comment period for a proposed DNS is required pursuant to WAC 197-11-502 when the proposed action involves: (i) Another agency with jurisdiction; (ii) Demolition of any structure or facility not exempted by WAC 197-11-800 (2)(f) or 197-11-880; (iii) Issuance of clearing or grading permits not exempted in Part Nine of the SEPA rules; (iv) A DNS under WAC 197-11-350

(2), (3) or 197-11-360(4); or (v) A GMA action. For these projects, the optional DNS process may be used to combine the SEPA comment period with the 21-day notice of application comment period, if any, for the underlying permit. If a notice of application is not required for the underlying permit, the 14-day SEPA comment period shall follow issuance of the DNS and shall be concluded prior to the decision on the underlying action.

B. For purposes of WAC 197-11-510, public notice shall be required as provided in this title. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use permit decisions in this title.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.060).]

19.35.080110

Use of existing environmental documents.

The following procedures and standards of the WAC 197-11-600 through 197-11-640 are adopted regarding use of existing environmental documents. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.070).]

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental Environmental Impact Statement -- Procedures.
197-11-625	Addenda procedures.
197-11-630	Adoption procedures.
197-11-635	Incorporation by reference procedures.
197-11-640	Combining documents.

19.35.070120

Use of environmental documents

For nonexempt proposals, the DNS or final EIS and SEIS for the proposal shall accompany the city's staff recommendation to the appropriate decisionmaker. (Ord. 4150 § 2 (part), 2008)

19.35.100130

SEPA/GMA integration.

The following procedures and standards of the WAC regarding the timing and content of environmental review specified in WAC 197-11-210 through 197-11-235 are hereby adopted. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.085).]

197-11-210	SEPA/GMA integration.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated SEPA/GMA process.
197-11-232	SEPA/GMA integration procedures for preliminary

planning, environmental analysis,
and expanded scoping;

197-11-235

Documents.

19.35.050140

Planned actions.

The following procedures and standards of the WAC 197-11-164 through 197-11-172 are adopted regarding the designation of planned actions. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.042).]

197-11-164

Planned actions--Definition and
criteria.

197-11-168

Ordinances or resolutions
designating planned actions--
Procedures for adoption.

197-11-172

Planned actions—Project review.

19.35.110

Ongoing actions.

Unless otherwise provided herein, the provisions of Chapter 197-11 WAC shall be applicable to all elements of SEPA compliance, including the modification or supplementation of an EIS, initiated after the effective date of the ordinance. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.090).]

19.35.120150

Responsibility as consulted agency.

All requests from other agencies that the city of Kenmore consult on threshold investigations, the scope process, EISs or other environmental documents shall be submitted to the department of community development. The department shall be responsible for compiling and transmitting the city of Kenmore's response to such requests for consultation. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.100).]

19.35.130160

Appeals.

The following procedures and standards of the WAC regarding appeals are hereby adopted:

197-11-680

Appeals.

A. Appeals of threshold determinations or the adequacy of a final EIS are procedural SEPA appeals which are conducted by the hearing examiner pursuant to the provisions of KMC 19.30.06070, subject to the following:

1. Only one appeal of each threshold determination shall be allowed on a proposal.
2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3. An appeal of a DS must be filed as provided in KMC 19.25.090.

4. An appeal of a DNS for actions classified as Type 1, 2, 3, and 4 land use permit decisions in KMC 19.25.020 must be filed as provided in KMC 19.25.090; provided, that the appeal period for a DNS for land use permit decisions shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For actions classified as Type 1A land use permit decisions in KMC

19.25.020, and for actions not classified as land use permit decisions in KMC 19.25.020, no administrative appeal of a DNS is permitted.

5. Administrative appeals of the adequacy of a final EIS are permitted for actions classified as Type 2, 3 or 4 land use permit decisions in KMC 19.25.020 except Type 1 decisions for which the department has issued a threshold determination. Such appeals must be filed as provided in KMC 19.25.090.

6. The hearing examiner shall make a final decision on all procedural SEPA determinations. The hearing examiner's decision may be appealed to superior court.

B. The hearing examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

C3. For Type 2 decisions, an Administrative SEPA appeals hearing of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with an administrative appeals hearing, if any, on the merits of the underlying proposal. For Type 3 and 4 decisions, an administrative SEPA appeal hearing shall be consolidated with the open record hearing on the underlying action. If proposals requiring Type 3 or 4 land use decisions are appealed to the superior court as provided in KMC 19.30.250(B), the recommendation or decision of the examiner to condition or deny the proposal pursuant to RCW 43.21C.060 also may be appealed to the council, which shall make a final decision.

B. An appeal of a threshold determination shall be filed with the city within 14 calendar days of the date the determination is issued by the responsible official, unless a public comment period under WAC 197-11-340(2) is provided or the optional DNS process is used in which case the appeal period is 21 calendar days.

DC. Notwithstanding the provisions of subsections (A) throughand (CB) of this section, the department may adopt procedures under which an administrative appeal shall not be provided if the director of that departmentcity manager finds that consideration of an appeal would be likely to cause the department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The directorcity manager's determination shall be included in the notice of the SEPA determination, and the directorcity manager shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.

ED. There is no administrative appeal of a DNS, MDNS, DS or EIS adequacy associated with a Type 1 decision or a Type 5 or other legislative decision.*

*DNS means determination of nonsignificance; MDNS means mitigated determination of nonsignificance; DS means determination of significance; and EIS means environmental impact statement.

[Ord. 06-0255 § 15; Ord. 04-0194 § 7; Ord. 98-0027 §§ 1, 2 (KCC 20.44.120).]

19.35.140

Department procedural rules.

A. City departments which administer activities subject to SEPA may prepare rules and regulations for the implementation of SEPA, Chapter 197-11 WAC and this chapter.

B. The rules and regulations prepared by the department of parks, planning and resources which exercises initial jurisdiction over a private proposal, shall not become effective until approved by council motion. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.130).]

19.35.170**Fees**

The *city* shall require fees as set forth in Title 20.

19.35.180**Forms.**

The *city* adopts by reference the following sections of the WAC which contain information on forms:

<u>197-11-960</u>	<u>Environmental checklist;</u>
<u>197-11-965</u>	<u>Adoption notice;</u>
<u>197-11-970</u>	<u>Determination of nonsignificance (DNS);</u>
<u>197-11-980</u>	<u>Determination of significance and scoping notice (DS);</u>
<u>197-11-985</u>	<u>Notice of assumption of lead agency status;</u>
<u>197-11-990</u>	<u>Notice of action.</u>

19.35.150190**Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.140).]

19.35.160**Effective date.**

KMC 19.35.030, 19.35.070, 19.35.130, 19.35.150 and this section shall become effective 10 days after enactment. KMC 19.35.060 shall become effective January 1, 1990. Draft rules developed to implement this chapter shall be transmitted to the city council by September 15, 1989 for review and approval prior to filing with the city clerk. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.145).]

Chapter 19.40**CRITICAL AQUIFER RECHARGE AREAS****(SIGNIFICANT CHANGE)****Sections:****19.40.010** Definition.**19.40.020** Maps adopted.**19.40.030** City of Kenmore provisions adopted.**19.40.040** Board of health regulations adopted.**19.40.050** Evaluation and implementation.**19.40.060** Severability.**19.40.010****Definition.**

"Critical aquifer recharge areas" mean areas that have been identified as sole source aquifers, areas that have a high susceptibility to groundwater contamination, or areas that have been approved pursuant to Chapter 246-290 WAC as wellhead protection areas for municipal or district drinking water systems. Areas with high susceptibility to groundwater contamination occur where aquifers are used for drinking water and there is a combination of permeable soils, permeable subsurface geology, and groundwater close to the ground surface. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.010).]

19.40.020**Maps adopted.**

The map entitled Areas Highly Susceptible to Groundwater Contamination, attached to King County Ordinance 11481 as Exhibit A*, and the map entitled Sole Source Aquifers, attached to King County Ordinance 11481 as Exhibit B*, are hereby adopted as the designation of critical aquifer recharge areas in the city of Kenmore pursuant to RCW 36.70A.170. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.020).]

*Code reviser's note: Exhibits A and B are on file in the office of the county clerk.

19.40.030**City of Kenmore provisions adopted.**

In order to protect critical aquifer recharge areas, Chapter 13.35 KMC is hereby adopted in accordance with RCW 36.70A.060.

The following elements of this code are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: KMC 15.10.010, Chapters 18.40 and 18.95 KMC. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.030).]

19.40.040**Board of health regulations adopted.**

The following titles of the code of King County board of health are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Title 10, King County Solid Waste Regulations; Title 12, King County Public Water System Rules and Regulations; and Title 13, On-site Sewage Disposal Systems. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.040).]

19.40.050**Evaluation and implementation.**

The city of Kenmore will evaluate and implement, as appropriate, groundwater management plans and wellhead protection programs to further protect groundwater resources. The city of Kenmore will also revise, as appropriate, the map of critical aquifer areas, adopted in KMC 19.40.020, to include areas of high recharge to groundwater as identified in groundwater management plans and wellhead protection programs. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.060).]

19.40.060**Severability.**

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the application of any other clause, sentence, paragraph, subdivision, section or portion of this chapter to other persons or circumstances. [Ord. 98-0027 §§ 1, 2 (KCC 20.70.200).]

Title 19

LAND USE POLICIES AND PROCEDURES

Chapters:

19.05 General Provisions

19.10 Definitions

19.20 Amendment of Comprehensive Plan or of Development Regulations – Public

Participation

19.25 Procedures for Land Use Decisions, Public Notice, Hearings and Appeals

19.30 Hearing Examiner

19.35 Environmental Procedures

Chapter 19.05**GENERAL PROVISIONS**

Sections:

- 19.05.020 Catchline legality.
- 19.05.030 Severability.

19.05.020**Catchline legality.**

Section captions as used in this title do not constitute any part of the law. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.010).]

19.05.030**Severability.**

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected. [Ord. 98-0027 §§ 1, 2 (KCC 20.04.020).]

Chapter 19.10**DEFINITIONS**

Sections:

- 19.10.005 Applicant.
- 19.10.010 Area zoning.
- 19.10.030 City.
- 19.10.035 City manager.
- 19.10.040 Comprehensive plan.
- 19.10.050 Council.
- 19.10.060 Department.
- 19.10.070 Development regulations.
- 19.10.080 Docket.
- 19.10.085 Emergency amendment.
- 19.10.105 Hearing examiner.
- 19.10.110 Reclassification.
- 19.10.120 Site-specific comprehensive plan land use map amendment.
- 19.10.130 Subarea plan.

This chapter contains definitions of technical and procedural terms used throughout this title. Defined terms are shown in italics in the text of the title.

19.10.005**Applicant.**

“Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

19.10.010**Area zoning.**

“Area zoning” means procedures initiated by the *city* which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, deals with distinct communities, specific geographic areas and other types of districts having unified interests within the *city*. Area zoning, unlike a *reclassification*, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the *city*’s current *comprehensive plan* and *subarea plan* policies in zoning map form. [Ord. 08-0293 § 2; Ord. 06-0255 § 3; Ord. 98-0027 §§ 1, 2 (KCC 20.08.030).]

19.10.030**City.**

“City” means the city of Kenmore.

19.10.030**City manager.**

“City manager” means the city of Kenmore city manager or his or her designee(s).

19.10.040**Comprehensive plan.**

“Comprehensive plan” means the principles, goals, objectives, policies and criteria approved by the *council* to meet the requirements of the Washington State Growth Management Act, and:

- A. As a beginning step in planning for the development of the city;
- B. As the means for coordinating city programs and services;
- C. As policy direction for official regulations and controls;
- D. As a means of promoting the general welfare. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.070).]

19.10.050**Council.**

“Council” means the Kenmore city council. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.090).]

19.10.060**Department.**

“Department” means the *city* department or outside agency assigned by the *city manager* to administer a portion of the *city* code. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.100).]

19.10.070**Development regulations.**

“Development regulations” means the controls placed on development or land use activities by the *city* including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, surfacewater runoff policies, street standards, subdivision ordinances and binding site plan ordinances, together with any amendments thereto. A development regulation includes a zoning map amendment that is related to a *comprehensive plan* map amendment. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the *city*. [Ord. 08-0293 § 2; Ord. 06-0255 § 5; Ord. 98-0027 §§ 1, 2 (KCC 20.08.105).]

19.10.080**Docket.**

“Docket” (noun) means the list of suggested changes to the *comprehensive plan* or *development regulations* maintained by the *department*. “Docket” (verb) means to record with the *department* a suggested change to the *comprehensive plan* or *development regulations*. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.107).]

19.10.085**Emergency amendment.**

An “emergency amendment” shall be defined as an amendment that is required to the *comprehensive plan* or *development regulations* for the immediate protection of public health, safety, property, or peace. [Ord. 08-0293 § 2; Ord. 06-0255 § 6.]

19.10.105**Hearing examiner.**

“Hearing examiner” means the hearing examiner as established by Chapter 19.30 KMC. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.120).]

19.10.110**Reclassification.**

“Reclassification” means a change in the zone classification on the zoning map pursuant to a Type 4 land use permit decision, where the reclassification is not related to a *comprehensive plan* land use map amendment. [Ord. 08-0293 § 2; Ord. 06-0255 § 7; Ord. 98-0027 §§ 1, 2 (KCC 20.08.160).]

19.10.120**Site-specific comprehensive plan land use map amendment.**

“Site-specific comprehensive plan land use map amendment” means an amendment to the *comprehensive plan* land use map which includes one property or a small group of specific properties. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.08.170).]

19.10.130**Subarea plan.**

“Subarea plan” means a detailed local land use plan which implements and is an element of the *comprehensive plan* containing specific policies, guidelines and criteria adopted by the *council* to guide development and capital improvement decisions within specific subareas of the *city*. [Ord. 08-0293 § 2; Ord. 06-0255 § 4; Ord. 98-0027 §§ 1, 2 (KCC 20.08.060).]

Chapter 19.20**AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS
– PUBLIC PARTICIPATION**

Sections:

- 19.20.020 Purpose.
- 19.20.030 Applicability.
- 19.20.040 Authority.
- 19.20.050 Annual amendment process.
- 19.20.060 Initiation of annual amendment process.
- 19.20.070 Submittal requirements.
- 19.20.080 Threshold review criteria.
- 19.20.090 Annual amendment decision criteria.

19.20.020**Purpose.**

A. This chapter establishes the process and criteria by which the *comprehensive plan* and *development regulations* are amended in accordance with Chapter 36.70A RCW.

B. This chapter also establishes the means of public participation in the *comprehensive plan* and *development regulation* amendment process as required in RCW 36.70A.130(2) and 36.70A.140.

C. This chapter sets forth additional submittal requirements for *comprehensive plan* and *development regulation* amendments in recognition of the additional information and fee requirements of the *comprehensive plan* and *development regulation* amendments. [Ord. 06-0255 § 8.]

19.20.030**Applicability.**

A. This chapter establishes a mechanism for the *city* to amend the *comprehensive plan* and *development regulations*.

B. Proposed amendments may be submitted by the mayor, city council, planning commission, city staff, or any interested private parties, including citizens, *applicants*, or government agencies. [Ord. 06-0255 § 8.]

19.20.040**Authority.**

A. The *city manager* shall have the authority to administer this chapter.

B. The planning commission shall have the authority to review and study proposed amendments to the *comprehensive plan* and *development regulations* that are included in a city council- approved annual *docket* work program for each year. The planning commission shall hold a public hearing, deliberate, and make recommendations to the city council on said proposals.

C. The city council shall have the authority to make a threshold review of each proposal to amend the *comprehensive plan* and *development regulations* and establish the planning commission's annual *docket* work program for each year. The city council shall have the authority to make a final decision upon applications pursuant to this section after the planning commission has provided a recommendation to the city council. [Ord. 06-0255 § 8.]

19.20.050**Annual amendment process.**

A. *Comprehensive plan* amendments are considered by the city council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the city council may consider amendments more frequently or outside the annual *docket* amendment cycle detailed in this section under the following circumstances:

1. The city council finds an *emergency amendment* is required as defined in KMC 19.10.085;
2. The initial adoption of a *subarea plan* that does not modify the *comprehensive plan* policies and designations applicable to the subarea;
3. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
4. The amendment of the capital facilities element of the *comprehensive plan* that occurs concurrently with the adoption or amendment of the city budget; and
5. The amendment is required as a result of an order of the growth management hearings board created in RCW 36.70A.250 or a court with jurisdiction.

B. *Development regulations* consistent with the *comprehensive plan* may be considered outside of the annual amendment process at the discretion of the city council, so long as the amendment is considered through a public participation process consistent with RCW 36.70A.130(2). *Development regulation* amendments associated with *comprehensive plan* amendments should be processed with *comprehensive plan* amendments whenever practicable.

C. *Zoning reclassification* requests as defined in KMC 19.10.110 are subject to the Type 4 permit process in Chapter 19.25 KMC. [Ord. 06-0255 § 8.]

19.20.060**Initiation of annual amendment process.**

A. The *comprehensive plan* and *development regulations* may be amended pursuant to this chapter, no more frequently than once a year as part of the amendment cycle established in this chapter, except as provided in KMC 19.20.050.

B. Application Initiation and Deadline.

1. The public shall be made aware of the deadline to submit proposed amendments to the *comprehensive plan* and *development regulations* by means of two publications in a newspaper of general circulation in the city, with the first notice published at least 30 days prior to the deadline.

2. The deadline for submitting an application for amendment pursuant to this chapter is December 1st of each year, or the next business day if December 1st falls on a Saturday or Sunday.

C. Submittal Requirements. Only applications that have fulfilled the submittal requirements of KMC 19.20.070 by the deadline in subsection (B) of this section shall be considered for the next annual amendment process.

D. Prescreening/Threshold Decision.

1. The *department* shall review all complete applications submitted by the deadline set forth in subsection (B) of this section and issue a recommendation on each application submitted based upon threshold criteria set forth in KMC 19.20.080 by the last city council meeting in January of each year.

2. The city council shall make a threshold decision on each application submitted and reviewed by the last city council meeting in February of each year.

3. Threshold decisions and recommendations shall be for one of the following:

- a. Accept application for review by the planning commission or other city council-appointed advisory body in the current amendment cycle;
- b. Recommend delay of the amendment to the next amendment cycle; or

c. Denial of amendment based upon criteria set forth in KMC 19.20.080 or other findings of fact.

E. Planning Commission Review and Public Participation.

1. The planning commission or other advisory body approved by the city council shall review all amendments approved by the city council pursuant to subsection (D)(3)(a) of this section and shall make such amendments a priority of their work program for the year. The planning commission or other advisory body shall hold study sessions on proposed amendments, as deemed necessary in order to make an informed decision.

2. Public Participation Plan. Public participation shall consist of, at minimum, a public hearing before the planning commission. The *city manager* is further authorized to establish additional public participation for a particular matter at the beginning of the annual *docket* process, utilizing types of participation including but not limited to: public meetings, workshops, and/or open houses.

F. Public Hearing.

1. The planning commission or other advisory body approved by the city council shall hold the public hearing on the proposed amendments each year. Public notice shall be given as set forth in subsection (F)(2) of this section.

2. Public Notice of Public Hearing.

a. Notice of a public hearing on the annual cycle of amendments shall be published in a newspaper of general circulation in the *city* and shall be posted at City Hall and on the *city* website within 14 calendar days of the public hearing.

b. Additional Public Notice Requirements for Site-Specific Amendments. In addition to the public notice requirements of subsection (F)(2)(a) of this section, *applicants* for *site-specific comprehensive plan land use map amendments* shall also post the site and mail notice to residences and employers within 500 feet of the subject site.

3. Recommendation to City Council. Upon consideration of all the information presented to the planning commission, the planning commission shall deliberate after the public hearing and shall make a recommendation to the city council based upon the criteria found in KMC 19.20.080.

4. Second Public Hearing. If the planning commission recommends a modification which was not within the scope of the alternatives available at the public hearing for public comment, the planning commission shall conduct a new public hearing on the proposal as modified.

G. Final Decision.

1. City Council Decision. The city council, upon receipt of the planning commission's recommendations for the annual amendment cycle, shall make the final decision on proposed amendments consistent with criteria contained in KMC 19.20.080.

2. Circumstances Requiring Public Hearing. The city council may, in its discretion, hold an additional public hearing on the planning commission's recommendations for the annual amendment cycle. However, if the city council recommends a modification which was not within the scope of the alternatives available at the planning commission hearing for public comment, the city council shall hold a public hearing on the proposal as modified prior to final decision.

H. Pursuant to RCW 36.70A.106, the *department* shall notify the state of its intent to adopt amendments to the *comprehensive plan* or to *development regulations* at least 60 days prior to the city council's final adoption of the proposal, except for regulations or amendments which are procedural, ministerial or required to address an emergency.

I. Within 10 days of final adoption, the city clerk shall transmit to the state any adopted plan, amendment to the *comprehensive plan* or *development regulation*. [Ord. 06-0255 § 8.]

19.20.070**Submittal requirements.**

Applications for the annual cycle of *comprehensive plan* and *development regulation* amendments shall include the following submittal requirements:

A. Submittal requirements enumerated in KMC 19.25.040 that are not waived by the *city manager*.

B. An application form provided by the *department* and completed by the *applicant* that includes, at minimum, the *applicant's* name, address, contact information, and proposed amendment.

1. For *site-specific comprehensive plan land use map amendments*, the application form shall also include the following information: property address or location, parcel number(s), existing and proposed future land use designation and zoning designation, and property owner's signature.

C. A completed environmental checklist, if required by Chapter 19.35 KMC.

D. A narrative clearly stating the proposal and what the amendment is attempting to accomplish.

1. For *site-specific comprehensive plan land use map amendments*, the narrative shall be accompanied by a vicinity map drawn to scale clearly showing the subject site and its surroundings.

E. A narrative indicating how the proposed amendment meets the criteria outlined in KMC 19.20.080 and 19.20.090.

F. An application fee pursuant to the *city's* current fee schedule or a written request for a fee waiver.

1. One fee waiver is allowed per *applicant* per year.

2. The fee waiver request shall only be granted in the following cases: requests involving a topic of a *city-wide* nature; or a neighborhood-wide request; or a request made by a nonprofit organization when involving more than one property. Fee waivers are not allowed for *site-specific comprehensive plan land use map amendments*.

3. *City-sponsored* proposals exempt: *city-sponsored* proposals are exempt from application fees.

G. Unless one or more of the submittal requirements outlined in this section is waived by the *city manager*, then an application that does not contain all of the submittal requirements so enumerated by the deadline set forth in KMC 19.20.060(B) shall be considered incomplete and ineligible for consideration in the annual amendment cycle. [Ord. 08-0288 § 1; Ord. 06-0255 § 8.]

19.20.080**Threshold review criteria.**

The *city* shall use the following criteria in selecting proposals for further consideration in the annual *docketing* process. Proposals shall meet subsections (A) and (B) of this section, and either subsection (C) or (D) of this section:

A. The *city* has the resources, including staff and budget, necessary to review the proposal; and

B. It has been more than two years since the proposed amendment has been considered unless a compelling reason for changed circumstances can be made; and

C. The proposal would correct an inconsistency within or make a clarification to a provision of the *comprehensive plan*; or

D. All of the following:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the *comprehensive plan*; and

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later *subarea plan* review or plan amendment process. [Ord. 06-0255 § 8.]

19.20.090**Amendment decision criteria.**

All proposed amendments, whether or not considered through the annual amendment process, must meet the decision criteria in subsection (A) of this section. If the proposal is a *site-specific comprehensive plan land use map amendment*, then it must meet the decision criteria of subsections (A) and (B) of this section. If the proposal is an amendment to *development regulations*, then it must meet the decision criteria of subsections (A) and (C) of this section.

A. Review Criteria Applicable to All Proposed Amendments. All proposed amendments must meet the following criteria:

1. The proposed amendment is consistent with the Growth Management Act and the county-wide planning policies; and
 2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the *comprehensive plan*; and
 3. The proposed amendment meets at least one of the following criteria:
 - a. The proposed amendment is beneficial to the *city* as a whole and will not adversely affect public health, safety, and welfare; or
 - b. The proposed amendment addresses changed circumstances within the *city* as a whole;
- or
- c. The proposed amendment accommodates new policy direction from the city council.

B. Additional Review Criteria Applicable to Site-Specific Amendments. All *site-specific comprehensive plan land use map amendments* must meet the following additional decision criteria:

1. The proposed amendment is consistent with the policies, objectives and goals of the *comprehensive plan* (including any applicable *subarea plans*), the countywide planning policies and the State Growth Management Act; and
2. The subject property is suitable for development in conformance with the standards under the classification being proposed; and
3. The proposed amendment is compatible with adjacent and nearby existing and permitted land uses; and
4. The proposed amendment is compatible with the surrounding development pattern; and
5. The proposed amendment meets the zoning map decision criteria of KMC 19.30.210 and 19.30.220.

C. Additional Review Criteria for *Development Regulations*.

1. The proposed amendment is consistent with the policies, objectives, and goals of the *comprehensive plan*; and
2. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code. [Ord. 06-0255 § 8.]

Chapter 19.25**PROCEDURES FOR LAND USE DECISIONS, PUBLIC NOTICE, HEARINGS AND APPEALS**

Sections:

- 19.25.010 Chapter purpose.
- 19.25.020 Classifications of land use decision processes.
- 19.25.030 Preapplication conferences.
- 19.25.040 Application requirements.
- 19.25.050 Determination of completeness.
- 19.25.055 Vesting.
- 19.25.060 Notice of application.
- 19.25.065 Public notice boards.
- 19.25.080 Applications – Modifications to proposal.
- 19.25.083 Application cancelled for inactivity.
- 19.25.085 Type 2 decisions.
- 19.25.090 Notice of decision.
- 19.25.092 Appeals.
- 19.25.095 Applications – Limitations on refiling of applications.
- 19.25.100 Permit issuance.

19.25.010**Chapter purpose.**

The purpose of this chapter is to establish standard procedures for land use decisions, including public notice, hearings and appeals. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the *comprehensive plan*. [Ord. 08-0293 § 2; Ord. 06-0255 § 9; Ord. 98-0027 §§ 1, 2 (KCC 20.20.010).]

19.25.020**Classifications of land use decision processes.**

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

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.

2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.

4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.

5. Type 5 decisions are legislative decisions made by the city council. Type 5 decisions may be appealed directly to the growth management hearings board created in RCW 36.70A.250.

B. Except as provided in KMC 19.35.130(A)(6) and 16.35.060 or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

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

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

Exhibit A
LAND USE DECISION TYPES

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

TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body; ⁴ decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW.	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC.
--------	--	---

¹ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

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

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

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

[Ord. 08-0293 § 2; Ord. 06-0255 § 10; Ord. 04-0194 §§ 1, 2; Ord. 03-0176 § 2; Ord. 02-0146 § 1; Ord. 98-0039 § 1; Ord. 98-0027 §§ 1, 2 (KCC 20.20.020).]

19.25.030

Preapplication conferences.

A. Prior to filing a permit application for a Type 1 decision for new commercial or multifamily development, for a change of use and/or classification, for a portable/modular structure, or for moving a building, the *applicant* shall contact the *department* to schedule a preapplication conference which shall be held prior to filing the application, except as provided herein.

Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the *applicant* shall contact the *department* to schedule a preapplication conference which shall be held prior to filing the application, except as provided herein. The purpose of the preapplication conference is to review and discuss the application requirements with the *applicant* and provide comments on the development proposal.

B. The preapplication conference shall be scheduled by the *department*, at the request of an *applicant*, and shall be held in a timely manner, within 30 days from the date of the *applicant's* request.

C. The *city manager* may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.

D. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the *applicant* from filing an application if the *department* is unable to schedule a preapplication conference within 30 days following the *applicant's* request.

E. At or subsequent to a preapplication conference, the *department* may issue a preliminary determination that a proposed development is not permissible under applicable *city* policies or regulations. In that event, the *applicant* shall have the option to appeal the preliminary determination to the *hearing examiner*, as provided for in KMC Chapter 19.30, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in KMC 19.25.060(G) and (H). [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.20.030).]

F. A preapplication conference also may be held for other Type 1 land use decisions, if requested by an *applicant* or required by the *department*.

19.25.040

Application requirements.

A. The *department* shall not commence review of any application for a land use decision until the *applicant* has submitted the materials and fees specified for complete applications.

B. The *department* shall specify the application requirements for Type 1 and Type 5 land use decisions on forms provided to the public.

C. For Type 2, 3 and 4 land use decisions, the *applicant* shall file the following information with the *department*:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*;

2. Information specified on the application checklist provided by the *department* for the requested decision(s); and

3. Any additional information or materials that the *department* specifies at the pre-application meeting.

D. The *applicant* may file a single application form for all Type 2, 3 and 4 land use decisions requested for the development proposal at the time the application is filed.

E. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the *department* and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the *department* from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the *department*.

F. The *city manager* may waive any specific submittal requirements that are determined to be unnecessary for review of an application.

G. The *applicant* shall attest by written oath to the accuracy of all information submitted for an application.

19.25.050

Determination of completeness.

A. Within 28 calendar days following receipt of a land use permit application, the *department* shall mail or provide written notice to the *applicant* that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the *department*, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal.

B. An application shall be deemed complete under this section if the *department* does not provide written notice to the *applicant* that the application is incomplete within the 28-day period as provided herein.

C. If the application is incomplete and the *applicant* submits the additional information requested by the *department*, the *department* shall notify the *applicant* in writing within 14 calendar days whether the application is complete or what additional information specified by the *department* as provided in subsection (A) of this section is necessary to make the application complete. An application shall be deemed complete if the *department* fails to provide written notice to the *applicant* within the 14-day period that the application is incomplete.

D. The *department's* determination of completeness as provided in subsection (A) or (C) of this section, or the failure of the *department* to provide such determination as provided in subsection (B) or (C) of this section, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

19.25.055**Vesting.**

A. Applications for Type 1, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations, shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The *department's* issuance of a determination of completeness as provided in this chapter, or the failure of the *department* to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. [Ord. 08-0293 § 2; Ord. 04-0194 § 5; Ord. 98-0027 §§ 1, 2 (KCC 20.20.070).]

19.25.060**Notice of application.**

A. A notice of application shall be provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions subject to SEPA.

B. A public comment period of at least 21 calendar days shall be provided, except as otherwise provided in WAC 173-27-110 and WAC 173-27-120 regarding shoreline permits and RCW 58.17.215 regarding subdivision alterations. The public comment period shall commence on the third calendar day following the *department's* mailing of the notice of application as provided for in subsection (E) of this section.

C. All required notices of application shall contain the following information:

1. The file number;
 2. The name of the *applicant*;
 3. The date of application, the date of the determination of completeness and the date of the notice of application;
 4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
 5. A site plan on eight-and-one-half-by-14-inch paper, if applicable;
 6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;
 7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;
 8. The identification of other permits not included in the application to the extent known;
 9. The identification of existing environmental documents that evaluate the proposed project;
- and

10. A statement of the preliminary determination, if one has been made, of those *development regulations* that will be used for project mitigation and of consistency with applicable *city* plans and regulations.

D. If the optional DNS process under KMC 19.35.100 is used, the notice of application shall identify the SEPA comment period and other information as required by WAC 197-11-355.

E. Within 14 calendar days of the determination of completeness for the application, the notice of application shall be:

1. Posted at the project site on one or more public notice boards as provided in KMC 19.25.065;

2. Mailed by first class mail as follows:

a. To owners of record of property in an area within 500 feet of the site, but the area shall be expanded as necessary to send mailed notices to at least 20 different property owners; provided, that for site plan reviews conducted under KMC Chapter 18.105, the area shall be expanded to provide notice to owners of record of property within 1,000 feet of the site;

b. To the State Department of Transportation, if the site adjoins a state highway;

c. To the affected tribes;

d. To any agency or community group which the *department* may identify as having an interest in the proposal;

e. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat.

f. For residential uses of ten or more dwelling units only, to affected school districts.

3. Published in the *city's* official newspaper of record.

F. An affidavit of posting shall be submitted to the *department* by the *applicant* within 14 calendar days following the *department's* determination of completeness to allow continued processing of the application by the *department*.

G. Mailed notice shall be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice.

19.25.065

Public notice boards.

A. Public notice boards shall be installed by the *applicant* for Type 2, 3 and 4 land use decisions or Type 1 decisions subject to SEPA within 14 days following the *department's* determination of completeness as follows:

1. A single notice board shall be installed for a project:

a. At the midpoint of the site street frontage or as otherwise directed by the *department* for maximum visibility;

b. Five feet inside the street property line unless otherwise approved by the *department*;

c. So that the top of the notice board is between seven and nine feet above grade; and

d. Where it is completely visible to pedestrians;

2. Additional notice boards may be required when:

a. The site does not abut a public street;

b. A large site abuts more than one public street; or

c. The *department* determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. Maintained in good condition by the *applicant* during the notice period through the time of the final *city* decision on the proposal, including the expiration of any applicable appeal periods;

b. Removed within 14 calendar days after the end of the administrative appeal period for Type 2 decisions and within 14 calendar days after the final *city* decision on the application for Type 3 and 4 decisions or Type 1 decisions subject to SEPA;

4. Removal of the notice board before the end of the time period specified in subsection 3.b. of this section may be cause for discontinuance of *city* review or extension of the appeal period until the notice board is replaced and remains in place for the specified time period;

5. Notice boards shall be constructed and installed in accordance with specifications promulgated by the *department*.

19.25.080

Applications – Modifications to proposal.

A. Modifications required by the *city* to a pending application shall not be deemed a new application.

B. An *applicant*-requested modification occurring either before or after issuance of the permit shall be deemed a new application when such modification would result in a substantial change in a project's review requirements, as determined by the *department*. [Ord. 08-0293 § 2; Ord. 98-0027 §§ 1, 2 (KCC 20.20.080).]

19.25.083

Application cancelled for inactivity

An application for a decision under this chapter may be cancelled for inactivity if an *applicant* fails to respond to the *department's* written request for revisions, corrections, or additional information within 90 days of the date of request. The *department* may extend the response period beyond 90 days if, within the original 90-day time period, the *applicant* provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the *department*.

19.25.085

Type 2 decisions.

A. Type 2 land use decisions shall be based upon compliance with the development standards and approval criteria for the requested decision.

B. The written decision contained in the record shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and

2. Any conditions and limitations imposed, if the request is granted.

C. Rules. The *city manager* shall keep a public record of his or her actions, finding, waivers and determinations. [Ord. 98-0026 §§ 1, 2 (KCC 21A.42.080).]

19.25.090

Notice of decision.

The *department* shall provide notice in a timely manner of the final decision on Type 2, 3, and 4 land use decisions or Type 1 decisions subject to SEPA, including the threshold determination, if any, and the procedures for administrative appeals, if applicable. Notice shall be provided to the *applicant*, to the Department of Ecology and Attorney General as provided in Chapter 90.58 RCW (Shoreline Management Act), and to any person who, prior to the decision, had requested notice of the decision or submitted comments on the application. The notice of decision shall be posted on the public notice board(s) as provided in KMC 19.25.065 and an affidavit of posting shall be

submitted to the *department* by the *applicant* within 6 calendar days following the *department's* mailing of the notice.

19.25.092**Appeals.**

Except for shoreline permits which are appealable to the State Shorelines Hearings Board, all notices of appeal to the *hearing examiner* of Type 2 land use decisions made by the *city manager* shall be filed within 21 calendar days from the date of issuance of the notice of decision as provided in KMC 19.30.080. A notice of appeal shall include a statement of appeal in accordance with KMC 19.30.080(C). [Ord. 08-0293 § 2; Ord. 06-0255 § 13; Ord. 04-0194 § 6; Ord. 03-0176 § 4; Ord. 00-0095 § 1(A); Ord. 98-0027 §§ 1, 2 (KCC 20.20.090).]

19.25.095**Applications – Limitations on refiling of applications.**

Upon denial by the *hearing examiner* or *council* of a *zone reclassification* or a special use permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial. [Ord. 98-0026 §§ 1, 2 (KCC 21A.40.070).]

19.25.100**Permit issuance.**

A. Final decisions by the *city* on all permits and approvals subject to the procedures of this chapter shall be issued within 120 calendar days from the date the *applicant* is notified by the *department* pursuant to this chapter that the application is complete.

The following periods shall be excluded from this 120-day period:

1. Any period of time during which the *applicant* has been requested by the *department* or *hearing examiner* to correct plans, perform required studies or provide additional information, including street variances and variances required under Chapter 13.35 KMC. The period shall be calculated from the date of notice to the *applicant* of the need for additional information until the earlier of the date the *city* advises the *applicant* that the additional information satisfies the *city's* request, or 14 calendar days after the date the information has been provided. If the *city* determines that the correction, study or other information submitted by the *applicant* is insufficient, it shall notify the *applicant* of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The *department* shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the *applicant*. An extension of such deadline may be granted upon submittal by an *applicant* of a written request providing satisfactory justification of an extension.

b. Failure by the *applicant* to meet such deadline shall be cause for the *department* to cancel/deny the application.

c. When granting a request for a deadline extension, the *department* shall give consideration to the number of days between receipt by the *department* of a written request for a deadline extension and the mailing to the *applicant* of the *department's* decision regarding that request.

2. The period of time, as set forth in KMC 19.35.060, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

3. A period of no more than 90 calendar days for an open record appeal hearing by the *hearing examiner* on a Type 2 land use decision.

4. Any period of time during which an *applicant* fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the *department* by the *applicant*.

5. Any time extension mutually agreed upon by the *applicant* and the *department*.

B. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the *comprehensive plan* or a *development regulation*;

2. Requires the siting of an essential public facility as provided for in RCW 36.70A.200; or

3. Is substantially revised by the *applicant*, when such revisions will result in a substantial change in a project's review requirements, as determined by the *department*, in which case the time period shall start from the date at which the revised project application is determined to be complete.

C. If the *department* is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project *applicant*. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

Chapter 19.30**HEARING EXAMINER**

Sections:

- 19.30.010 Chapter purpose.
- 19.30.020 Office created.
- 19.30.030 Appointment.
- 19.30.040 Type 3 decisions.
- 19.30.050 Type 4 recommendations to the council.
- 19.30.060 Expeditious processing.
- 19.30.070 Appeals.
- 19.30.080 Notice of appeal to hearing examiner – Filing.
- 19.30.090 Dismissal of untimely appeals.
- 19.30.100 Expeditious processing of appeals.
- 19.30.120 Quasi-judicial powers.
- 19.30.130 Freedom from improper influence.
- 19.30.140 Public hearing.
- 19.30.150 Consolidation of hearings.
- 19.30.160 Prehearing conference.
- 19.30.170 Report by department.
- 19.30.180 Notice.
- 19.30.190 Rules and conduct of hearings.
- 19.30.200 Case management techniques.
- 19.30.210 Hearing examiner findings.
- 19.30.220 Additional hearing examiner findings – Reclassifications and shoreline environment redesignations.
- 19.30.230 Additional hearing examiner findings – Preliminary subdivisions.
- 19.30.240 Additional hearing examiner findings – Master plans and special uses.
- 19.30.250 Written decisions - Appeals.
- 19.30.260 Voluntary mediation.
- 19.30.270 Site-specific land use map amendment.

19.30.010**Chapter purpose.**

The purpose of this chapter is to provide a system of considering and applying regulatory devices which will best satisfy the need to expand the principles of fairness and due process in public hearings. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.010).]

19.30.020**Office created.**

The office of hearing examiner is created. The hearing examiner shall act on behalf of the *city* in considering and applying adopted *city* policies and regulations as provided herein. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.020).]

19.30.030**Appointment.**

The *city manager* is authorized to appoint a hearing examiner(s) and to execute the necessary contract documents as appropriate. [Ord. 98-0027 § 5.]

19.30.040**Type 3 decisions.**

A. The hearing examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions on Type 3 land use permit applications, including findings and conclusions, based on the issues and evidence in the record. The decision of the hearing examiner on Type 3 land use permit applications shall be appealable directly to the King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record established by the hearing examiner.

B. The hearing examiner's decision may be to grant or deny the application, or the hearing examiner may grant the application with such conditions, modifications and restrictions as the hearing examiner finds necessary. [Ord. 98-0039 § 1; Ord. 98-0027 §§ 1, 2 (KCC 20.24.072).]

19.30.050**Type 4 recommendations to the council.**

A. The hearing examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the *council* based on the issues and evidence in the record in the following cases:

1. All Type 4 land use decisions;
2. Other applications that the *council* may prescribe by ordinance.

B. The hearing examiner's recommendation may be to grant or deny the application, or the hearing examiner may recommend that the *council* adopt the application with such conditions, modifications and restrictions as the hearing examiner finds necessary. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.070).]

19.30.060**Expeditious processing.**

A. Hearings on Type 3 or Type 4 applications shall be scheduled by the hearing examiner to ensure that final decisions are issued within the time periods provided in KMC 19.25.100.

B. In all matters where the hearing examiner holds a hearing on a Type 3 or Type 4 application, the hearing shall be completed and the hearing examiner's written report and decision or recommendation issued within 14 calendar days from the date the hearing closes, excluding any time required by the *applicant* or the *department* to obtain and provide additional information requested by the hearing examiner and necessary for action on the application consistent with applicable laws and regulations. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.098).]

19.30.070**Appeals.**

A. The hearing examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court, or to other designated authority in the following cases:

1. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the State Shoreline Hearings Board;
2. Appeals from citations, notices and orders and stop work orders issued pursuant to Chapter 1.20 KMC;
3. Appeals from decisions regarding the abatement of a nonconformance;

4. Appeals from decisions of the *city manager* on requests for rate adjustments to surface and stormwater management rates and charges;
5. Appeals from police department seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;
6. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in KMC Title 18;
7. Appeals from the *department's* final decisions regarding transportation concurrency, impact fees and intersection standards provisions of Chapter 12.75 KMC;
8. Appeals under KMC Chapter 19.35 (the State Environmental Policy Act – SEPA);
9. Appeals of decisions for the licensing of adult cabarets and adult retail businesses;
10. Appeals from written interpretations of the zoning code under KMC 18.10.070;
11. Appeals of flood hazard area boundaries under KMC 18.55.710(D);
12. Appeals from a preliminary determination that a proposed development is not permissible under KMC 19.25.030; and
13. Other appeals which the *council* may prescribe by ordinance.

B. The hearing examiner's decision may be to grant or deny the application or appeal, or the hearing examiner may grant the application or appeal with such conditions, modifications and restrictions as the hearing examiner finds necessary. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.080).]

19.30.080

Notice of appeal to hearing examiner – Filing.

A. Except as otherwise provided herein, all notices of appeal to the hearing examiner shall be filed with the city clerk.

B. The statement of appeal required as part of the notice of appeal shall identify the decision being appealed and the alleged errors in that decision. Further, the statement of appeal shall state specific reasons why the decision should be reversed or modified; and the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal.

C. Failure to timely file a notice of appeal, or appeal fee deprives the hearing examiner of jurisdiction to consider the appeal. [Ord. 00-0095 § 1(B), (C), (D); Ord. 98-0027 §§ 1, 2 (KCC 20.24.090).]

19.30.090

Dismissal of untimely appeals.

On its own motion, or on the motion of a party, the hearing examiner shall dismiss an appeal for untimeliness or lack of jurisdiction. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.095).]

19.30.100

Expeditious processing of appeals.

A. Appeals shall be processed by the hearing examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. In every appeal heard by the hearing examiner pursuant to KMC 19.30.070, the appeal process, including a written decision, shall be completed within 90 days from the date the hearing examiner's office is notified of the filing of a notice of appeal pursuant to KMC 19.30.080. When reasonably necessary to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, this time period may be extended by the hearing examiner at the hearing examiner's discretion for an additional 30 days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such extension shall be stated in the hearing examiner's recommendation or decision.

Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the hearing examiner.

B. Unless a longer period is agreed to by the parties, or the hearing examiner determines that the size and scope of the project is so compelling that a longer period is required, a public hearing shall occur within 45 calendar days from the date the office of the hearing examiner is notified that a complete statement of appeal has been filed. Where the hearing examiner has determined that the size and scope warrant an extension, this time period may be extended by the hearing examiner at the hearing examiner's discretion for not more than 20 calendar days. The reason for the extension shall be stated in the hearing examiner's decision. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.097).]

19.30.120

Quasi-judicial powers.

The hearing examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by *city* ordinance. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.110).]

19.30.130

Freedom from improper influence.

Individual *council* members or any other person shall not interfere with or attempt to interfere with the hearing examiner in the performance of his or her designated duties. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.120).]

19.30.140

Public hearing.

When it is found that an application meets the filing requirements of the *department* or an appeal meets the filing rules, it shall be accepted and a date assigned for public hearing. If for any reason testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the matter shall be continued to the soonest available date. A matter should be heard, to the extent practicable, on consecutive days until it is concluded. For purposes of proceedings identified in KMC 19.30.050, the public hearing by the hearing examiner shall constitute the hearing by the *council*. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.130).]

19.30.150

Consolidation of hearings.

Whenever a project application includes more than one *city* permit, approval or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner pursuant to KMC 19.25.020. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.140).]

19.30.160

Prehearing conference.

A prehearing conference may be called by the hearing examiner pursuant to this chapter upon the request of a party, or on the hearing examiner's own motion. A prehearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party. The prehearing conference shall be held at such time as ordered by the hearing examiner, but not less than 14 calendar days prior to the scheduled hearing with not less than seven calendar days' notice to those who are then parties of record to the proceeding. The purpose of a prehearing conference shall be to identify to the extent possible, the facts in dispute, issues, laws, parties and witnesses in the case. In addition the prehearing conference is intended to establish a timeline for the presentation of the case. The hearing examiner shall establish rules for the conduct of prehearing conferences.

Any party who does not attend the prehearing conference, or anyone who becomes a party of record after notice of the prehearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the hearing examiner at the hearing. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.145).]

19.30.170**Report by department.**

When an application or appeal has been set for public hearing, the *department* shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application or appeal and shall prepare a report summarizing the factors involved and the *department* findings and recommendation or decision. At least 14 calendar days prior to the scheduled hearing, the report, and in the case of appeals any written appeal arguments submitted to the *city*, shall be filed with the hearing examiner. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.150).]

19.30.180**Notice.**

Notice of the time and place of any hearing on an application or appeal before the hearing examiner pursuant to this chapter shall be mailed by first class mail at least 14 calendar days prior to the scheduled hearing date to all persons who commented on the application or requested notice of the hearing, along with the report by the *city*, and in the case of appeals any written appeal arguments submitted to the *city*.

19.30.190**Rules and conduct of hearings.**

The hearing examiner shall adopt rules for the conduct of hearings and for any mediation process consistent with this chapter. Such rules shall be published and available upon request to all interested parties. The hearing examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

To avoid unnecessary delay and to promote efficiency of the hearing process, the hearing examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard, in light of *city* policies and regulations, and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The hearing examiner may establish reasonable time limits for the presentation of direct oral testimony, cross examination and argument. Any written submittals will be admitted only when authorized by the hearing examiner under pertinent and promulgated administrative rules. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.170).]

19.30.200**Case management techniques.**

In all matters heard by the hearing examiner, the hearing examiner shall use case management techniques to the extent reasonable including: limiting testimony and argument to relevant issues and to matters identified in the prehearing order (if applicable); prehearing identification and submission of exhibits (if applicable); stipulated testimony or facts; prehearing dispositive motions (if applicable); and other methods to promote efficiency and to avoid delay. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.175).]

19.30.210**Hearing examiner findings.**

When the hearing examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record which support the decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the *comprehensive plan*, subarea or neighborhood plans, the zoning code (KMC Title 18), the subdivision code (KMC Title 17), and other official laws, policies and objectives of the *city*, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.180).]

19.30.220**Additional hearing examiner findings – Reclassifications and shoreline environment redesignations.**

When the hearing examiner issues a recommendation regarding an application for a *reclassification* of property or for a shoreline environment redesignation, the recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

A. An adopted *subarea plan* or *area zoning* specifies that the property shall be subsequently considered through an individual *reclassification* application;

B. Where a *subarea plan* has been adopted but subsequent *area zoning* has not been adopted, that the proposed *reclassification* or shoreline redesignation is consistent with the adopted *subarea plan*; or

C. The *applicant* has demonstrated with substantial evidence that:

1. Since the last previous *area zoning* or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the *subarea plan* or *area zoning*;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate. For the purposes of this subsection, “changed conditions or circumstances” does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services, or changing property ownership;

3. For proposals to increase residential density, that the proposal meets the criteria in the *comprehensive plan*; and

4. The requested *reclassification* or redesignation is in the public interest. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.190).]

19.30.230**Additional hearing examiner findings – Preliminary subdivisions.**

When the hearing examiner makes a decision regarding an application for a proposed preliminary subdivision, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such subdivision and dedication. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.195).]

19.30.240**Additional hearing examiner findings – Master plans, site plan reviews, and special uses.**

When the hearing examiner makes a recommendation or decision regarding an application for a proposed master plan, site plan review or special use, the recommendation or decision shall include additional findings as to whether the proposal complies with the criteria in KMC 18.105.050(A), 18.120.040(B) and/or KMC 18.115.050.

19.30.250**Written decisions - Appeals.**

A. The hearing examiner's written decision on an appeal shall be transmitted to all parties of record.

B. Decisions of the hearing examiner in cases identified in KMC 19.30.040 may be appealed to the King County superior court by an aggrieved party by filing a notice of appeal in accordance with the Land Use Petition Act. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.210).]

19.30.260**Voluntary mediation.**

As to any appeal pursuant to this chapter which is or could become the subject of a public hearing, the *department* or the hearing examiner, may at their own discretion or at the request of the *applicant* or any person with standing to the appeal, at any state of the proceedings on the appeal, initiate a mediation process to resolve disputes as to such appeal. The mediation process shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent impartial mediator who shall not be a city employee or any person who will have any role in making any recommendation or decision on the appeal. The mediation shall be conducted in accordance with rules of mediation prepared by the hearing examiner. [Ord. 98-0027 §§ 1, 2 (KCC 20.24.330).]

Chapter 19.35**ENVIRONMENTAL PROCEDURES**

Sections:

- 19.35.010 User guide
- 19.35.020 Definitions and abbreviations.
- 19.35.030 Lead agency.
- 19.35.040 Responsible official.
- 19.35.050 General requirements.
- 19.35.060 Categorical exemptions.
- 19.35.070 Substantive authority.
- 19.35.080 Threshold determinations
- 19.35.090 Environmental impact statements and other environmental documents.
- 19.35.100 Comments and public notice.
- 19.35.110 Use of existing environmental documents.
- 19.35.120 Use of environmental documents
- 19.35.130 SEPA/GMA integration.
- 19.35.140 Planned actions.
- 19.35.150 Responsibility as consulted agency.
- 19.35.160 Appeals.
- 19.35.170 Fees.
- 19.35.180 Forms.
- 19.35.190 Severability.

19.35.010**User guide**

This chapter contains the *city's* laws that implement the State Environmental Policy Act (Chapter 43.21C RCW). This chapter contains several references to Chapter 197-11 WAC, which also implements the State Environmental Policy Act. Subsections of this chapter may reference sections of Chapter 197-11 WAC that are adopted by reference. These WAC sections, as well as Chapter 43.21C RCW, should be consulted for complete information regarding SEPA.

19.35.020**Definitions and abbreviations.**

A. The *city* adopts by reference the following sections of the WAC which contain information on the usage and definition of terms under SEPA:

- 197-11-040 Definitions;
- 197-11-220 SEPA/GMA definitions;
- 197-11-700 Definitions;
- 197-11-702 Act;
- 197-11-704 Action;
- 197-11-706 Addendum;
- 197-11-708 Adoption;

197-11-710	Affected tribe;
197-11-712	Affecting;
197-11-714	Agency;
197-11-716	Applicant;
197-11-718	Built environment;
197-11-720	Categorical exemption;
197-11-721	Closed record appeal;
197-11-722	Consolidated appeal;
197-11-724	Consulted agency;
197-11-726	Cost-benefit analysis;
197-11-728	County/city;
197-11-730	Decision maker;
197-11-732	Department;
197-11-734	Determination of nonsignificance (DNS);
197-11-736	Determination of significance (DS);
197-11-738	EIS;
197-11-740	Environment;
197-11-742	Environmental checklist;
197-11-744	Environmental document;
197-11-746	Environmental review;
197-11-750	Expanded scoping;
197-11-752	Impacts;
197-11-754	Incorporation by reference;
197-11-756	Lands covered by water;
197-11-758	Lead agency;
197-11-760	License;
197-11-762	Local agency;
197-11-764	Major action;
197-11-766	Mitigated DNS;
197-11-768	Mitigation;
197-11-770	Natural environment;
197-11-772	NEPA;
197-11-774	Nonproject;
197-11-775	Open record hearing;
197-11-776	Phased review;
197-11-778	Preparation;

197-11-780	Private project;
197-11-782	Probable;
197-11-784	Proposal;
197-11-786	Reasonable alternative;
197-11-788	Responsible official;
197-11-790	SEPA;
197-11-792	Scope;
197-11-793	Scoping;
197-11-794	Significant;
197-11-796	State agency;
197-11-797	Threshold determination;
197-11-799	Underlying governmental action.

B. The following abbreviations are used in this chapter:

1. SEPA – State Environmental Policy Act;
2. DNS – Determination of Nonsignificance;
3. DOE – Washington State Department of Ecology
4. DS – Determination of Significance;
5. EIS – Environmental Impact Statement. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.010).]

19.35.030

Lead agency.

The procedures and standards regarding lead agency responsibility contained in the following sections of the WAC are adopted:

197-11-050	Lead agency;
197-11-900	Purpose of this part;
197-11-922	Lead agency rules;
197-11-924	Determining lead agency;
197-11-926	Lead agency for governmental proposals;
197-11-928	Lead agency for public and private proposals;
197-11-930	Lead agency for private projects with one agency with jurisdiction;
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city;
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city; and one or more state agencies;

- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency;
- 197-11-938 Lead agencies for specific proposals;
- 197-11-940 Transfer lead agency status to a state agency;
- 197-11-942 Agreements on lead agency status;
- 197-11-944 Agreements on division of lead agency duties;
- 197-11-946 DOE resolution of lead agency disputes;
- 197-11-948 Assumption of lead agency status.

19.35.040**Responsible official.**

For all proposals for which the *city* is the lead agency, the responsible official shall be the *city manager*. For these proposals, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the “lead agency” or “responsible official” by this chapter.

19.35.050**General requirements.**

The procedures and standards regarding the general requirements that apply to the SEPA process are adopted:

- 197-11-055 Timing of the SEPA process;
- 197-11-060 Content of environmental review;
- 197-11-070 Limitations on action during SEPA process;
- 197-11-080 Incomplete or unavailable information;
- 197-11-090 Supporting documents;
- 197-11-100 Information required of applicants;
- 197-11-158 GMA project review—Reliance on existing plans, laws and regulations;
- 197-11-238 Monitoring;
- 197-11-300 Purpose of this part;
- 197-11-650 Purpose of this part;
- 197-11-655 Implementation;
- 197-11-900 Purpose of this part;
- 197-11-902 Agency SEPA policies;
- 197-11-904 Agency SEPA procedures;
- 197-11-906 Content and consistency of agency

	procedures;
197-11-910	Designation of responsible official;
197-11-912	Procedures of consulted agencies;
197-11-916	Application to ongoing actions;
197-11-920	Agencies with environmental expertise.

A. The optional provision of WAC 197-11-060(3)(c) is adopted.

B. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist. The *department* shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

C. The *city manager* may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.030).]

19.35.060

Categorical exemptions.

A. The *city* adopts by reference the following sections of the WAC which contain information on categorical exemptions:

- 197-11-305 Categorical exemptions;
- 197-11-800 Categorical exemptions;
- 197-11-880 Emergencies;
- 197-11-890 Petitioning DOE to change exemptions;
- 197-11-908 Critical areas.

1. The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) except as provided in WAC 197-11-305 and 197-11-800(1)(a):

- a. The construction or location of any residential structures of 20 or fewer dwelling units;
- b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- c. The construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet of gross floor area, and with associated parking facilities designed for 40 automobiles;
- d. The construction of a parking lot designed for 40 automobiles;
- e. Any fill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder.

2. The determination of whether a proposal is categorically exempt shall be made by the *department*.

19.35.070**Substantive authority.**

The following section of the WAC regarding substantive authority and mitigation is adopted:

197-11-660 Substantive authority and mitigation.

A. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the *city's* substantive authority under SEPA, subject to the provisions of RCW 43.21C.240 and subsection (C) of this section:

1. The policies of the State Environmental Policy Act, RCW 43.21C.020;
2. The city of Kenmore *comprehensive plan*, its addenda, and revisions and neighborhood and *subarea plans*;
3. Surface water management plans;
4. The city of Kenmore zoning code, KMC Title 18;
5. The city of Kenmore landmarks preservation code, Chapter 2.20 KMC;
6. The city of Kenmore shoreline management code, KMC Title 16;
7. The city of Kenmore surface water runoff policy, as adopted in Chapter 13.35 KMC;
8. The city of Kenmore street standards, Chapter 12.50 KMC;

B. Substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below or unusual circumstances exist. In cases where the *city* has adopted regulations to systematically avoid or mitigate adverse impacts, those standards and regulations will normally constitute adequate mitigation of the impacts of new development. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the regulations, will be subject to site-specific or project-specific SEPA mitigation.

C. Any decision to deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in a responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts as identified in an environmental checklist, EIS, threshold determination, other environmental document including a *department* staff report and recommendation to a decisionmaker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation which supports the SEPA decision and, if mitigation beyond existing *development regulations* is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.

D. This chapter shall not be construed as a limitation on the authority of the *city* to approve, deny or condition a proposal for reasons based upon other statutes, ordinances or regulations. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.080).]

19.35.080**Threshold determinations.**

The *city* adopts by reference the following sections of the WAC which contain related information:

- 197-11-310 Threshold determination required;
- 197-11-315 Environmental checklist;
- 197-11-330 Threshold determination process;
- 197-11-335 Additional information;
- 197-11-340 Determination of nonsignificance (DNS);

- 197-11-350 Mitigated DNS;
- 197-11-360 Determination of significance (DS)/initiation of scoping;
- 197-11-390 Effect of threshold determination;
- 197-11-660 Substantive authority and mitigation.

A. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the *department* issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. [Ord. 98-0027 §§ 1, 2, 7 (KCC 20.44.040).]

19.35.090

Environmental impact statements and other environmental documents.

The following sections of the WAC related to procedures and standards for preparation of environmental impact statements and other environmental documents are adopted:

- 197-11-400 Purpose of EIS;
- 197-11-402 General requirements;
- 197-11-405 EIS types;
- 197-11-406 EIS timing;
- 197-11-408 Scoping;
- 197-11-410 Expanded scoping;
- 197-11-420 EIS preparation;
- 197-11-425 Style and size;
- 197-11-430 Format;
- 197-11-435 Cover letter or memo;
- 197-11-440 EIS contents;
- 197-11-442 Contents of EIS on nonproject proposals;
- 197-11-443 EIS contents when prior nonproject EIS;
- 197-11-444 Elements of the environment;
- 197-11-448 Relationship of EIS to other considerations;
- 197-11-450 Cost-benefit analysis;
- 197-11-455 Issuance of DEIS;
- 197-11-460 Issuance of FEIS.

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the *department* shall be responsible for preparation and content of EISs and other environmental documents. The *department* shall contract with consultants as necessary for the preparation of environmental documents. The *department* may consider the opinion of the applicant regarding the qualifications of the consultant but the *department* shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or subconsultants selected by the *city* to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D. The *department* may establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the *department* requires consultant services to prepare environmental documents, the *department* shall select a consultant and negotiate a contract for such services.

E. All costs of preparing the environment document shall be borne by the applicant.

F. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the *department* and consultant. The applicant shall continue to be responsible for all monies expended by the *city* or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G. The *department* shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the *department* within 270 calendar days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the *department* determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided, that the additional time shall not exceed 90 calendar days unless agreed to by the applicant.

H. The following periods shall be excluded from the 270-day time period for issuing a final environmental impact statement:

1. Any time period during which the applicant has failed to pay required environmental review fees to the *department*;
2. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement; and
3. Any period of time during which the applicant has not authorized the *department* to proceed with preparation of the environmental impact statement. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.050).]

19.35.100

Comments and public notice.

This section contains rules for commenting on and responding to environmental documents, including rules for public notices and hearings. The *city* adopts by reference the following related sections of the WAC:

197-11-355	Optional DNS process;
197-11-500	Purpose of this part;
197-11-502	Inviting comment;
197-11-504	Availability and cost of environmental documents;
197-11-508	SEPA register;
197-11-510	Public notice;
197-11-535	Public hearings and meetings;
197-11-545	Effect of no comment;
197-11-550	Specificity of comments;
197-11-560	FEIS response to comments;
197-11-570	Consultant agency costs to assist lead agency.

A. A public comment period for a proposed DNS is required pursuant to WAC 197-11-502 when the proposed action involves: (i) Another agency with jurisdiction; (ii) Demolition of any structure or facility not exempted by WAC 197-11-800 (2)(f) or 197-11-880; (iii) Issuance of clearing or grading permits not exempted in Part Nine of the SEPA rules; (iv) A DNS under WAC 197-11-350 (2), (3) or 197-11-360(4); or (v) A GMA action. For these projects, the optional DNS process may be used to combine the SEPA comment period with the 21-day notice of application comment period, if any, for the underlying permit. If a notice of application is not required for the underlying permit, the 14-day SEPA comment period shall follow issuance of the DNS and shall be concluded prior to the decision on the underlying action.

B. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use decisions in this title.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.060).]

19.35.110

Use of existing environmental documents.

The following procedures and standards of the WAC are adopted regarding use of existing environmental documents: [Ord. 98-0027 §§ 1, 2 (KCC 20.44.070).]

197-11-600	When to use existing environmental documents;
197-11-610	Use of NEPA documents;
197-11-620	Supplemental Environmental Impact Statement -- Procedures;
197-11-625	Addenda procedures;
197-11-630	Adoption procedures;
197-11-635	Incorporation by reference procedures;
197-11-640	Combining documents.

19.35.120**Use of environmental documents**

For nonexempt proposals, the DNS or final EIS and SEIS for the proposal shall accompany the city's staff recommendation to the appropriate decisionmaker. (Ord. 4150 § 2 (part), 2008)

19.35.130**SEPA/GMA integration.**

The following procedures and standards of the WAC regarding the timing and content of environmental review are hereby adopted: [Ord. 98-0027 §§ 1, 2 (KCC 20.44.085).]

197-11-210	SEPA/GMA integration;
197-11-228	Overall SEPA/GMA integration procedures;
197-11-230	Timing of an integrated SEPA/GMA process;
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping;
197-11-235	Documents.

19.35.140**Planned actions.**

The following procedures and standards of the WAC are adopted regarding the designation of planned actions: [Ord. 98-0027 §§ 1, 2 (KCC 20.44.042).]

197-11-164	Planned actions--Definition and criteria;
197-11-168	Ordinances or resolutions designating planned actions—Procedures for adoption;
197-11-172	Planned actions—Project review.

19.35.150**Responsibility as consulted agency.**

All requests from other agencies that the *city* consult on threshold investigations, the scope process, EISs or other environmental documents shall be submitted to the *department*. The *department* shall be responsible for compiling and transmitting the *city's* response to such requests for consultation. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.100).]

19.35.160**Appeals.**

The following procedures and standards of the WAC regarding appeals are hereby adopted:

197-11-680	Appeals.
------------	----------

A. Appeals of threshold determinations or the adequacy of a final EIS are conducted by the *hearing examiner* pursuant to the provisions of KMC 19.30.070, subject to the following:

1. Only one appeal of each threshold determination shall be allowed on a proposal.
2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.
3. For Type 2 decisions, an administrative SEPA appeal hearing shall be consolidated in all cases with an administrative appeal hearing, if any, on the the underlying proposal. For Type 3 and 4 decisions, an administrative SEPA appeal hearing shall be consolidated with the open record hearing on the underlying action.
- B. An appeal of a threshold determination shall be filed with the *city* within 14 calendar days of the date the determination is issued by the responsible official, unless a public comment period under WAC 197-11-340(2) is provided or the optional DNS process is used in which case the appeal period is 21 calendar days.
- C. Notwithstanding the provisions of subsections (A) and (B) of this section, the *department* may adopt procedures under which an administrative appeal shall not be provided if the *city manager* finds that consideration of an appeal would be likely to cause the *department* to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The *city manager's* determination shall be included in the notice of the SEPA determination, and the *city manager* shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.
- D. There is no administrative appeal of a DNS, MDNS, DS or EIS adequacy associated with a Type 1 decision or a Type 5 or other legislative decision.
[Ord. 06-0255 § 15; Ord. 04-0194 § 7; Ord. 98-0027 §§ 1, 2 (KCC 20.44.120).]

19.35.170**Fees**

The *city* shall require fees as set forth in Title 20.

19.35.180**Forms.**

The *city* adopts by reference the following sections of the WAC which contain information on forms:

197-11-960	Environmental checklist;
197-11-965	Adoption notice;
197-11-970	Determination of nonsignificance (DNS);
197-11-980	Determination of significance and scoping notice (DS);
197-11-985	Notice of assumption of lead agency status;
197-11-990	Notice of action.

19.35.190

Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. [Ord. 98-0027 §§ 1, 2 (KCC 20.44.140).]

PROPOSED CODE AMENDMENTS

Current amendments (Titles 17, 18 and 19):

TOPIC	GENERATED BY	HOW ADDRESSED
<u>General changes</u>		
Double-check definitions for consistency between codes	Development Review Team (DRT)	Definitions have been reviewed and consolidated. Definitions are italicized in the 3 titles reviewed.
Change all references to “city manager or his/her designee”	DRT	Changed throughout. Department has also been defined to include any city department or outside agency as assigned by the city manager to administer a portion of the city code.
Check other jurisdictions’ approaches	DRT	Have reviewed Kirkland, Redmond, Bothell, Bellevue, Lake Forest Park, and Shoreline codes for processes, height surveys, interpretation processes, design departures, required yards, temporary use, and plat process, among others. Have also reviewed model codes from other areas.
Look at changes through lens of cost. Is regulation needed?	DRT	Have eliminated large sections of code, for example, water usage, P-suffix and special-district overlay processes, and critical aquifer recharge area standards. Clarified that applicant is to pay for some specialized services--see 18.55.220 and 18.57.070.
<u>Title 17, Land Division</u>		
Address subdivision thresholds	Planning staff	Propose increasing short plat to 9 or fewer lots
17.15.100, clean up consistent with Court decisions	DRT	Updated. See 17.20.100.
17.25.030 and 17.40.030, need longer effective time for title reports	DRT	Did not make this change. New standards make application requirements administrative. See 17.15.150 and 17.25.030.
17.25.030(E), note about delinquent property taxes not applicable	DRT	Eliminated
Address condominium procedure	City Attorney	Eliminated (illegal per City Attorney)
Short plat/plat alterations should be Type 1	DRT	Plat alterations cannot be Type 1; State law determines the process. Alterations to short plats with no substantial changes (defined) are now Type 1. See 17.25.080.
Address subdivision expiration periods	Planning staff	Amended, consistent with State law. See 17.20.020 and 17.20.040.

Update plat exemptions	Planning staff	Updated, consistent with State law. See 17.15.040.
Eliminate circumvention of zoning density section	Planning staff	Eliminated.
Eliminate sidewalk waiver, 17.25.100	DRT	Eliminated.
17.20.070, shorten paragraph; stop at "requirement"	DRT	Revised. See 17.20.070.
Address boundary line adjustment criteria. Retitle chapter to be boundary line adjustment, or something similar	DRT, public input	Retitled chapter. After further discussion, no amendments needed.
Add plat and short plat design standards	Planning staff	Added. See 17.20.120.
17.25.040, address engineering permits. Reword paragraph A; mention NUD	DRT	Revised. See 17.25.022.
Require completion of all subdivision improvements before recording	DRT	Required. See 17.25.024.
Add standards for street signage	DRT	Added. See 17.20.105.
Add standards for street lighting	DRT	Added. See 17.20.107.
<u>Title 18, Zoning</u>		
Clean up code sections to eliminate out-of-date references	Planning staff	Amended as necessary.
Eliminate SIC use codes	Planning staff	Eliminated. Added definitions where necessary.
Add a general intent statement to give the city manager the discretion and flexibility for administrative decisions	DRT	Added. See 18.10.055.
Use consistent terms/formats for zoning chapters	Planning staff	Revised use tables to be consistent between chapters. Additional work will be required (part of a future project).
Address review process and for bed and breakfast uses. Clarify if/when a conditional use permit (CUP) is needed for a bed and breakfast.	DRT	Addressed CUP requirement for R, NB and RB zones. Bed and breakfasts would be a conditional use in the R and RB zones (where compatibility with permitted uses might be a concern). Permitted outright in NB zone.
18.25.030 –18.25.030.B.7a (ADU Standards), get rid of subsection 9 which prohibits subdivision or segregation of an ADU from the primary residence	DRT	Eliminated.

Address live/work units	DRT	Reviewed code for constraints. Allowed in commercial zones under current standards. Could be a focus, if desired, in future RB discussion.
Clarify setback standards	DRT	Street and rear setbacks clarified. See 18.30.160.
Address permitted uses in setback yards. 18.30.170, expand to include additional items allowed within a setback (i.e. sheds, covered or uncovered decks, air conditioning units, etc)	DRT, public input	Allowed uses expanded, both in interior yards and in rear yards. See 18.30.230.
18.30.040 – “Floor/lot ratio” in the table should be reconciled with the term FAR in 18.20, and the method for calculating floor/lot ratio in 18.30.060. FAR refers to a gross area, while the floor/lot ratio uses a net floor area	DRT	Sections amended. Only FAR used. See 18.20.1135, 18.22.020, 18.26.040, and 18.30.020.
18.30.050 – Include a two-step diagram for measuring height. The first step should show how a rectangle is drawn around a building and elevations taken at midpoint of all sides. The second step is then the existing diagram	DRT	Diagram to be added.
18.30.070, “Site area” in this section conflicts with the “site area” term in 18.20. 18.30.070 does not include ROW dedications on a perimeter of a site	DRT	18.30.070 eliminated and another section amended. See 18.30.020.
18.30 Allow increased single-family heights with setbacks from edges of the development	DRT	Already allowed by code. See 18.21.030.
Add requirement for building height surveys	Building Official	Added. Survey required when within 1’ of height limit. See 18.30.050.
Clarify rockery standards in new zoning districts	Planning staff	Clarified. See 18.30.230.
Review fence height standards	DRT	Fences in setbacks now can be 8’ tall. See 18.30.040.
Simplify land use groupings in landscaping chapter, 18.40.030	DRT	Land use groupings clarified and standards placed into table. See 18.35.030 and 18.35.045.
Reflect new zones in landscaping chapter	Planning staff	Added. See 18.35.045.
Address downtown landscaping buffers; too suburban	Planning staff; public input	Amended. See 18.35.045.
Eliminate water use/irrigation review	Planning staff	Eliminated.

Provide greater director authority to waive or grant flexibility in landscape standards	DRT	Did not add. Modification standards are already extensive. See 18.35.100.
Address recreational open space requirements. Consider plain open space or fee in lieu	DRT, public input	Revised. See 18.30.130. Fee in lieu not considered as it would require a 5-year expenditure period only for projects on capital plan (like impact fees)
Allow trail corridor easement to be counted toward common recreational open space requirements	DRT	Revised. See 18.30.260.
Address tree density requirements. Too high? Can't fit trees needed on the lot	DRT, public input	Not changed. Tree density requirements increased recently. Did add option for off-site replacement tree planting. See 18.57.080.
Clarify applicability of downtown design standards	Planning staff	Clarified using table and map. See 18.52.070.
Provide for a "design departure" if conditions limit compliance with design standards	Planning staff	Added. See 18.52.075.
Add sign standards for newer zones (DRT)	DRT	Added temporarily until comprehensive sign review can occur. See 18.42.135.
Be sure that wayfinding signs and banners are permitted by the sign regulations (DRT)	DRT	Added exemption. See 18.42.030(H).
18.45.060, add more detail (DRT)	DRT	Revised to reference specific chapter of IBC. See 18.40.060.
18.45.090, clarify distance to transit stops	DRT	Clarified. See 18.40.090.
18.45.120, clarify paving versus gravel	DRT	Clarified. See 18.40.120.
18.45.140, clarify	DRT	Clarified. See 18.40.140, p. 233.
Clarify that guest parking requirements apply to townhomes	DRT	Added. See 18.40.030.
Add parking standards for colleges/universities	DRT	Added. See 18.40.030.
Clarify sight distance requirements	DRT	Clarified. See 18.30.240.
Address thresholds for commercial site development permits (CSDP)	DRT, public input	Section eliminated. New process for site plan review in limited geographic areas developed. See Chapter 18.105.
Clarify roles of NUD and the school district	Planning staff	Covered under definition of "department".
Consolidate and reorganize discussion of temporary use permits	Planning staff	Consolidated and revised. Inconsistencies eliminated. See 18.100.100 through 18.100.190.
Address recreational vehicles and use as dwelling units	DRT	Added. See 18.30.155.
Revise small animal regulations	DRT	Section completely revised. See Chapter 18.70.
Prohibit roosters	DRT	Prohibited. See 18.70.020.

Consider glare regulations	DRT	Light and glare regulations added. See 18.30.075. May need future amendments to add more specific standards.
Clarify trash facility requirements	DRT	Added to recycling area standards. See 18.30.250.
Eliminate process for P-suffix and special district overlay	Planning staff	Processes eliminated. Active P-suffixes and overlay area identified in Chapter 18.47.
Eliminate some active P-suffix conditions as they are addressed by other regulations	DRT	Some P-suffix standards eliminated. See 18.47.030.
Clarify nonconformance standards	Planning staff	Clarified. See 18.100.070.
Codify code interpretation process	Planning staff	Added. See 18.10.070.
Refine previously graded slope standards for landslide hazard areas	Planning staff	Refined. See 18.55.650(11).
Address critical area tract requirements for geologically hazardous areas	Planning staff	Revised. See 18.55.260.
<u>Title 19, Policies and Procedures</u>		
Coordinate and clarify permit and SEPA review procedures	Planning staff	Permit and SEPA review procedures rewritten.
Address SEPA review thresholds	Planning staff	SEPA thresholds increased to maximum allowable. May need to take additional action if State further increases. See 19.35.060.
Clarify SEPA notice periods	Planning staff	SEPA section rewritten. See 19.35.100.
Address cancellation of land use permits as a result of inactivity	Planning staff	Added. See 19.25.083.
Codify vesting standards	DRT	Vesting already described in current code. No changes made. See 19.25.055.
Clarify standards for permit applicants (owner versus non-owner)	Planning staff	Did not make this change. New standards make application requirements administrative. See 19.25.040. Definition of "applicant" added. See 19.10.050.
Clarify date calculations in process descriptions	Planning staff	Added calendar days to all standards.
Address process for code enforcement appeals (hearing examiner decision)	DRT	Code enforcement appeals already in list of appeals heard by Hearing Examiner. See 19.30.070. Revisions to code enforcement section in Title 18 are part of another project.
Provide more opportunities for administrative approvals without process	DRT	Reduced processes for several permits, including temporary use, some short plat alterations, and design review. See 19.25.020.

Address aquifer recharge areas	Planning staff	Section eliminated. No known critical aquifer recharge areas in Kenmore.
19.25.020, road standards variance in conjunction with a subdivision should be Type 1	DRT	Revised. See 19.25.020.
Change stormwater “variance” to “adjustment”	DRT	Revised. See 19.25.020.
Revise preapplication requirements and reference development review conference	DRT	Revised. DRT included in definition of “department” . See 19.25.030.
Add engineering permit discussion.	DRT	This discussion will be incorporated into Title 12 or Title 13 as necessary.

Current amendments being addressed by other departments:

Business licensing and registration

Consider business licensing and registration program (2009 Economic Development Strategy recommendation)

Address home occupation approvals (DRT)

Look at change of use – how determined/reviewed (DRT)

Code enforcement

Chapters to be addressed:

Chapter 1.20, Code Enforcement

Chapter 18.125, Code Enforcement

Proposed amendments:

Rewrite chapter(s)

Street Standards

Chapters to be addressed:

Title 12, Roads and Bridges

Chapter 18.45, Parking and Circulation

Proposed amendments:

Revise right-of-way use fees

Clarify right-of-way use process

Develop revised street standards

Consider sidewalk width standards (DRT)

Address ROW use, including seating (DRT)
Revise parking ratios (DRT)
Identify street map and process for adoption
Address street lights (DRT)
Incorporate Downtown Plan standards into code (DRT)
Address engineering permits

Surface Water and Utilities

Chapter to be addressed:

Title 13, Utilities and Public Works

Proposed amendments:

Remove barriers to low impact development (DRT)
Require utility undergrounding (DRT)
Address engineering permits

Future amendments requiring policy discussions:

Regional Business (RB) zone

Refine RB zone uses consistent with economic development strategy
Revisit height/setback standards in the RB zone (DRT)
Address P-suffix standards
Establish setbacks from major trails (DRT)
Consider view regulations

Public/Semi-Public rezones

Consider use changes for library and fire station properties (DRT)
Address uses in other public/semi-public zones (DRT)

Communication facilities

Chapters to be addressed:

Chapter 18.60, Communication Facilities

Chapter 12.58, Wireless Minor Communication Facilities within City Rights-of-Way

Proposed amendments:

Rewrite chapter for clarity (DRT)

Address minor communication facility process in newer zones
Reconsider standards for facilities in single-family neighborhoods
Consider fee for right-of-way use permits

Critical areas/flood hazard areas

Chapters to be addressed:

Chapter 18.55, Critical Areas

Title 16, Division II, Flood Damage Prevention

Proposed amendments:

Consolidate floodplain management rules

Consider new FEMA recommendations for floodplains (address biological opinion)

Clarify public agency and utility exemptions (DRT)

Clarify habitat management plan requirements

Provide opportunity for City to relocate stream (DRT)

Sustainable development

Climate change

Green building and site development strategies

Encourage use of native and non-invasive vegetation

Lower maximum impervious surface thresholds (DRT)

Remove impervious surface exemptions for mobile home parks (DRT)

Reconsider requirements for bike lockers on-site (DRT)

Signs

Chapter to be addressed:

Chapter 18.50, Signs

Proposed amendments:

Address political signs and placement in the right-of-way (DRT)

Address changing message center rules (DRT)

Exempt some small signs from permit requirements (DRT)

Address private property identification banners (DRT)

Consider allowing signs in required setback yards (DRT)

Address relocation of signs for public street improvements (DRT)

Residential densities/standards

Consider minimum densities in single-family zones (DRT)
Consider cottage housing
Address clustered/small lot subdivisions near critical areas
Allow decks in rear setback yard (DRT)
Increase rear yard allowances for arbors and sheds (DRT)

General zoning review

Comprehensive review of allowed uses across chapters in Title 18. Could uses be eliminated or consolidated?
Zoning districts. Could these be consolidated?
Increase setback allowances in all zones (DRT)
With City Attorney's concurrence, consider using either short plat/plat or short subdivision/subdivision throughout titles (DRT)

Other future amendments needed in Municipal Code

Title 2

Add qualified immunity language

Chapter 2.20, Landmarks and Heritage Commission

Clarify Kenmore's process
Section may need adjustment after 2011 survey (DRT)

Chapter 2.30, Planning Commission

Clarify Planning Commission duties and responsibilities

Title 6

Move animal regulations in Title 18 to this title (DRT)

Chapter 8.05

Consider noise variances (DRT)

Chapter 15.25, Grading

Address temporary grading permits

Expand clear/grade exemptions, 15.25.050, to include ROW utility work which extends onto private property on a limited basis (i.e. adjacent properties which require limited grading/clearing). Revise list of routine maintenance in subsection 6 to be examples which may include, but are not limited to (DRT)

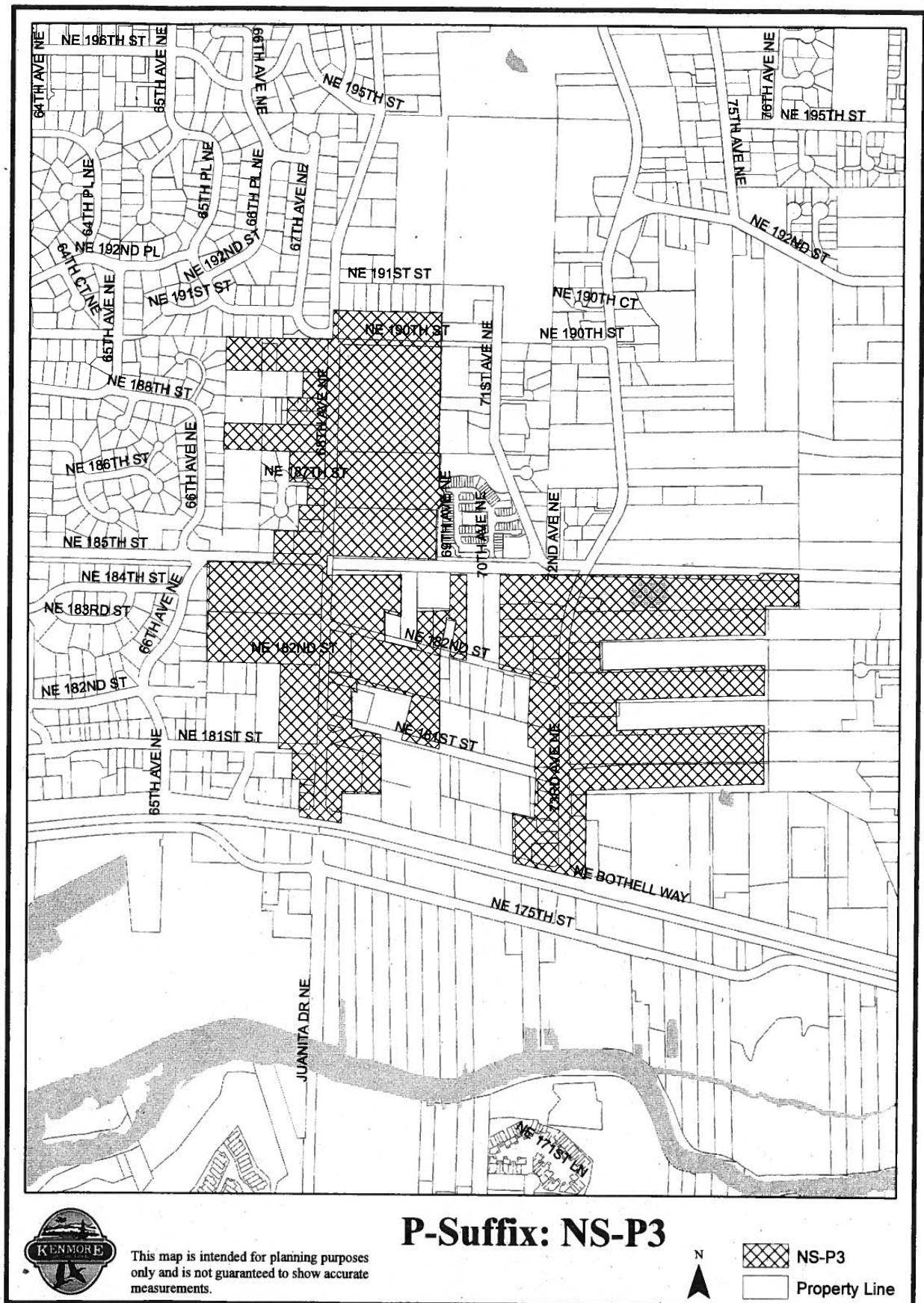
Address low impact development strategies

Title 20

Revise fees, including establishment of a trust fund for recreational open space maintenance (DRT)

Title 21, Financial Guarantees

Coordinate financial guarantee requirements between code sections (DRT)



VIIIB.

Review of Proposed Amendments to Development Regulations Including Title 17

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in 18.35 KMC.
2. All other RDI proposals shall provide recreation space for:
 - a. market rate/bonus units at levels consistent with 18.35 KMC, and
 - b. benefit units at 50 percent of the levels required for market rate/bonus units.

Section 53. Property Specific Development Standards – Amendments for Consistency with Downtown Plan.

A. The following P-suffix conditions are hereby repealed in the City's official zoning map and text and shall be removed from the City of Kenmore SITUS records:

1. NS-P2; and
2. NS-P9.

B. The following P-suffix conditions contained in the City of Kenmore SITUS records are hereby amended to read as follows in the City's official zoning map and text:



1. Post-Conversion Condition: NS-P3:

Description

Pedestrian Linkages

Development Condition Text

Pedestrian Linkages (Source: Northshore Community Plan Update and Area Zoning, p. 238)

To implement policies P-7, P-10 and K-12, the following P-suffix conditions apply:

1. Improvements to the public right of way on 68th Avenue N.E. and 73rd Avenue N.E.

Landscape and pedestrian improvements shall be made within the public right-of-way, in accordance with the general standards established in the Kenmore Urban Activity Center Design and Development Guidelines Study, in the Northshore Community Plan Update and Area Zoning as a condition of approval of any development permit. Site specific design of the improvements is subject to the approval of the City of Kenmore.



King County, Washington

Development Condition Query Results

Post-Conversion Condition: ns-p16

Effective: August 18, 1997

Description

Swamp Creek Rezone

Development Condition Text

Swamp Creek Rezone (Source: Ordinance 11653, Amendment 103)

The following P-suffix condition applies to parcels split between the R-1 zone and the R-4 zone in the subject property along Swamp Creek:

The density capacity of the R-1 zoned portion of these parcels shall be transferred to the R-4 portion of the parcel to the east in order to protect the natural resources and enhance the urban separator created by the preservation of the Swamp Creek floodplain and associated sensitive areas on these sites.

The subject property consists of tax lots:

0114100740

0114100745

0114100747

0114100750

0114100751

0114100752

0114100755

0114100756

0114100757

0114100758

0114100760

0114100763

0114100764

0114100765

0114100766

0114100767

0114100770

0114100775

0114100785

0114100790

0114100791

0114100795

0114100796

0114100800

0114100801

0114100803

0114100804

0114100806

0114100807

0114100811

0114100813

0126049120

6601400020

6601400010

Ordinance

12824

Effective Date

August 18, 1997

Changes

N/A

View Map(s) for ns-p16. (Click on a map name in the list)

Note: If there are more than one map listed below, there may be a map file ending with a "_x" which provides an index for the remainder of the maps.

ns-p16.gif

Pre-Conversion Development Conditions Associated with the Above Condition

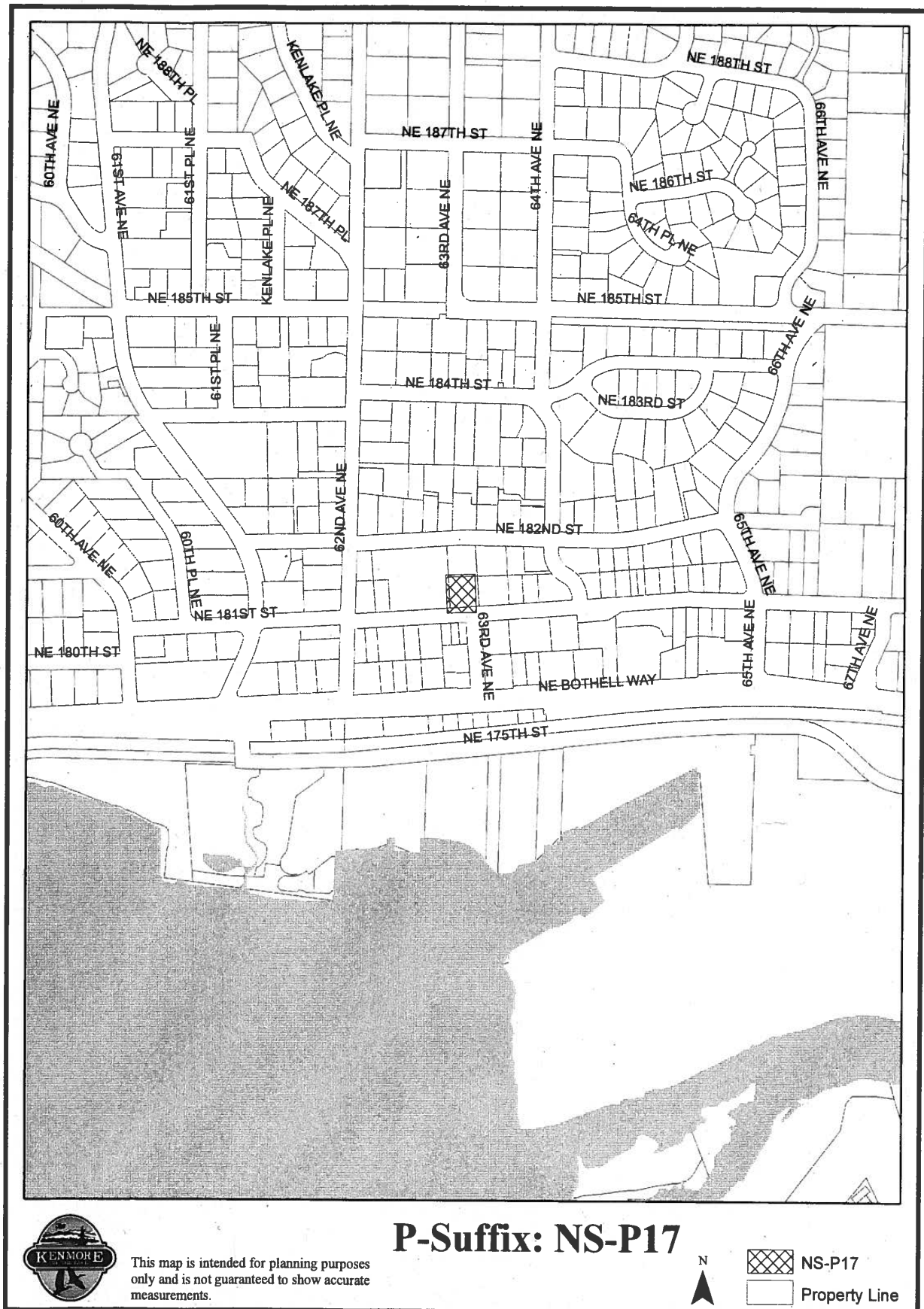
Pre-Conversion Equivalent

NSP-P36

Updated: December 29, 1998

[King County](#) | [DDES Page](#) | [DDES/GIS Page](#) | [New Query](#) | [News](#) | [Services](#) | [Comments](#) | [Search](#)

Links to external sites do not constitute endorsements by King County.
By visiting this and other King County web pages,
you expressly agree to be bound by terms and conditions of the site.
[The details.](#)





King County

[Home](#)

[News](#)

[Services](#)

[Comments](#)

[Search](#)

Development Condition Query Results

Post-Conversion Condition: NS-P17

Effective: August 18, 1997

Description

Parcel 618170-0160 (Greenup Property)

Development Condition Text

Parcel 618170-0160 (Greenup Property) (Source: Ordinance 11653, amendment 133)

P-Suffix condition of a 35-foot height limitation.

Ordinance

12824

Effective Date

August 18, 1997

Changes

N/A

View Map(s) for NS-P17. *(Click on a map name in the list)*

Note: If there are more than one map listed below, there may be a map file ending with a "_x" which provides an index for the remainder of the maps.

[ns-p17.gif](#)

Pre-Conversion Development Conditions Associated with the Above Condition

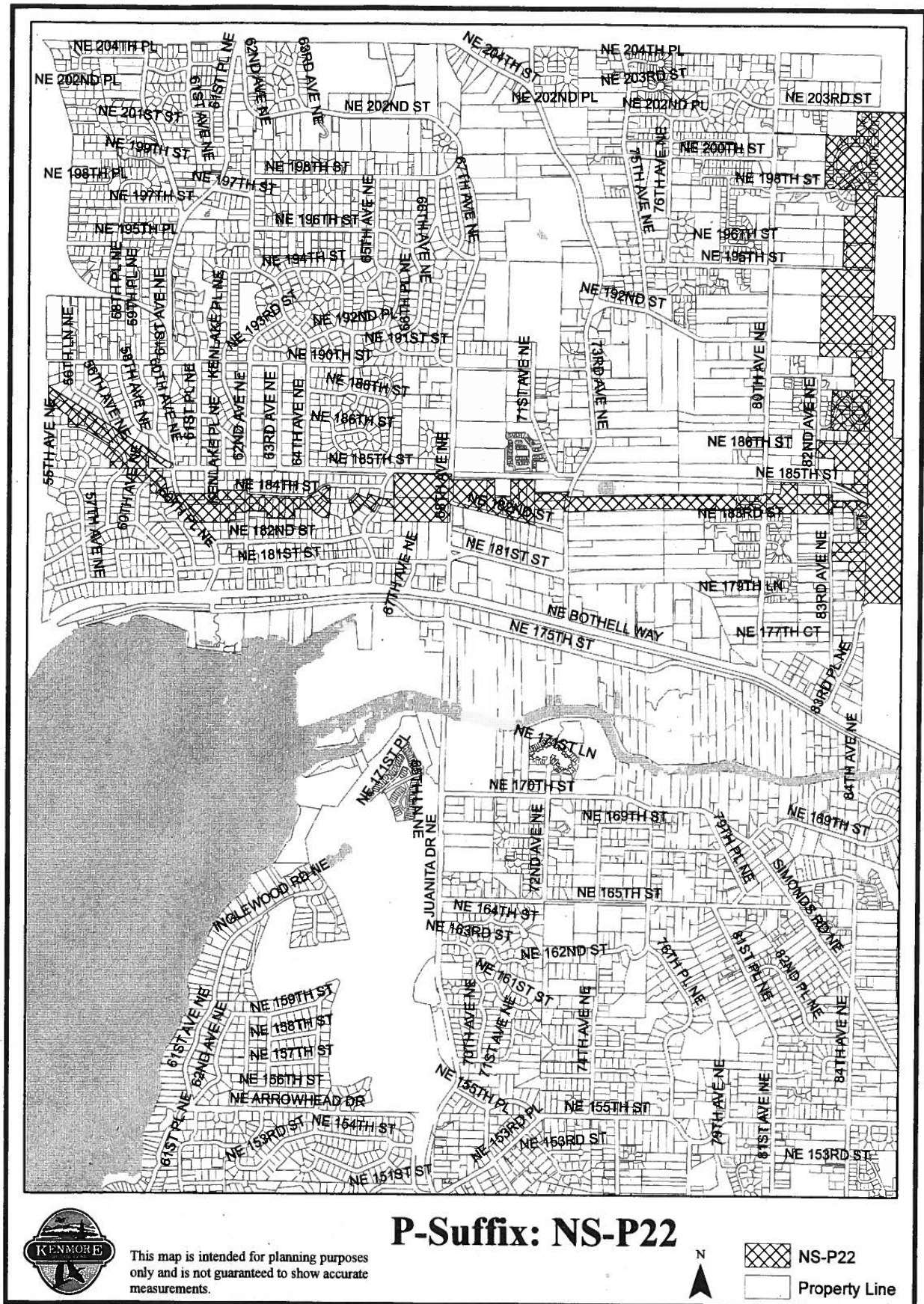
Pre-Conversion Equivalent

NSP-P37

Updated: Dec. 30, 2008

[King County](#) | [DDES Page](#) | [DDES/GIS Page](#) | [New Query](#) | [News](#) | [Services](#) | [Comments](#) | [Search](#)

Links to external sites do not constitute endorsements by King County.
By visiting this and other King County web pages,
you expressly agree to be bound by terms and conditions of the site.
[The details.](#)





King County, Washington

Development Condition Query Results

Post-Conversion Condition: ns-p22

Effective: August 18, 1997

Description

Recreational Policy

Development Condition Text

Recreational Policy

To implement policy P-9, the following P-suffix condition applies to any PUD, subdivision, short subdivision, residential or commercial building permit for properties identified as containing an equestrian trail on the Northshore Equestrian Facilities map, or a historically used trail.

All new development that contains an equestrian trail as identified on the Northshore Equestrian Facilities map, or a historically used equestrian trail, shall provide the trail right-of-way as a condition of subdivision or other County permit approval. Trail right-of-way width shall be determined by King County at a width suitable to accommodate equestrian uses. The area within the trail right-of-way but not within any dedicated road right-of-way shall also be credited towards the lot area of any proposed development.

Ordinance

12824

Effective Date

August 18, 1997

Changes

N/A

[View Map\(s\) for ns-p22.](#) *(Click on a map name in the list)*

Note: If there are more than one map listed below, there may be a map file ending with a "_x" which provides an index for the remainder of the maps.

[NS-P22_1.gif](#)

[NS-P22_2.gif](#)

[NS-P22_X.gif](#)

Pre-Conversion Development Conditions Associated with the Above Condition

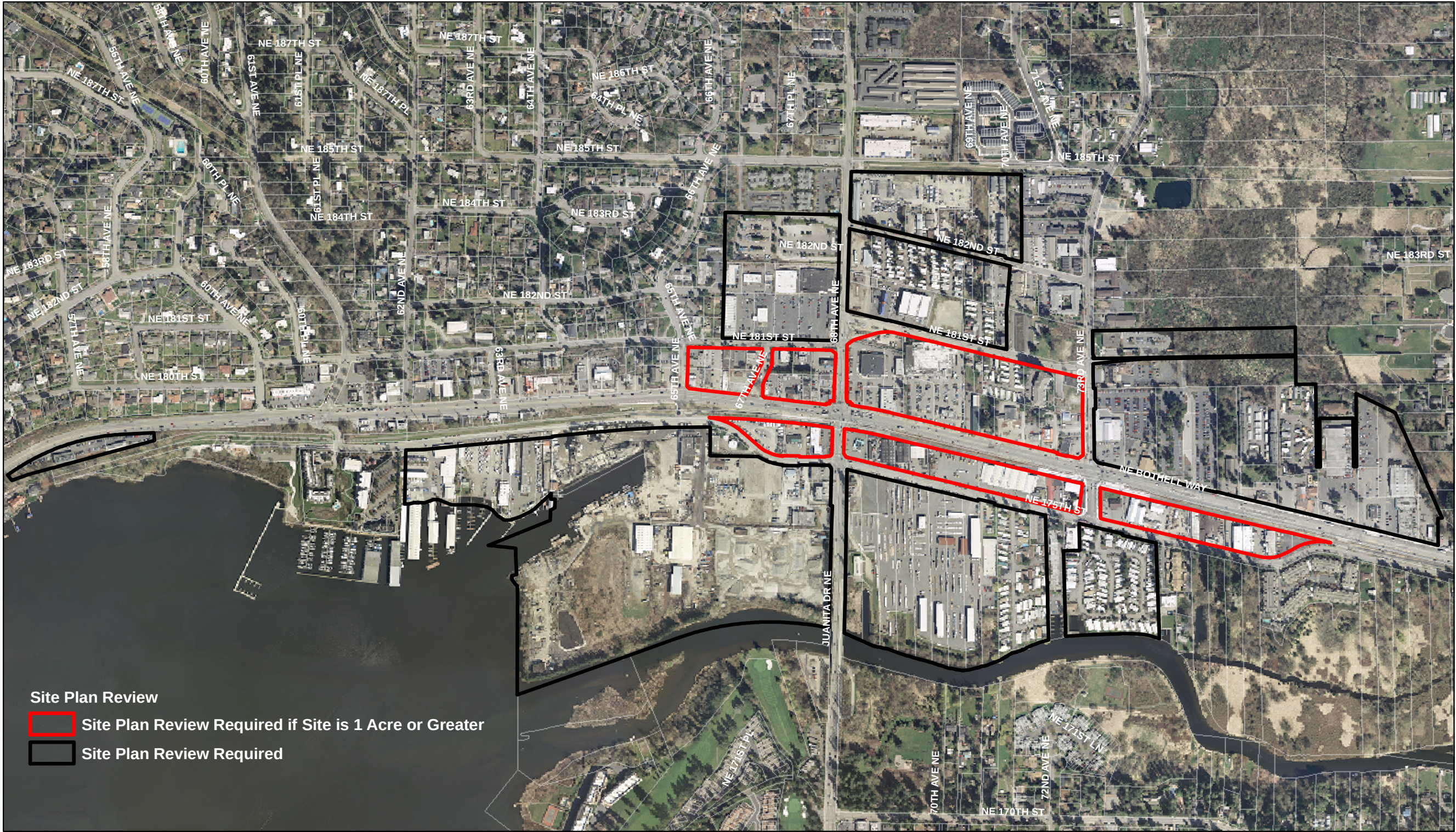
Pre-Conversion Equivalent

[NSP-P19](#)

Updated: December 29, 1998

[King County](#) | [DDES Page](#) | [DDES/GIS Page](#) | [New Query](#) | [News](#) | [Services](#) | [Comments](#) | [Search](#)

Links to external sites do not constitute endorsements by King County.
By visiting this and other King County web pages,
you expressly agree to be bound by terms and conditions of the site.
[The details.](#)



Site Plan Review
[Red Outline] Site Plan Review Required if Site is 1 Acre or Greater
[Black Outline] Site Plan Review Required



City of Kenmore, WA | Site Plan Review Requirement

3/24/11



Lauri Anderson

From: Lauri Anderson
Sent: Tuesday, March 29, 2011 11:41 AM
To: 'wstrouse@ksiarchitects.com'; 'matta@weinsteinau.com'; 'brian@grouparch.com'; 'forest@tca-inc.com'; 'JonM@WeinsteinAU.com'; 'ggoode@bastyr.edu'; 'bill@rutledgemaul.com'; 'sdennehy@nud.net'; 'mhincy@comcast.net'; 'blakepuckett@nsd.org'; 'lbrent@brentplanningsolutions.com'; 'mgifford@nacarchitecture.com'; 'info@shulerarchitecture.com'; Todd Banks
Subject: FW: Kenmore's Site Plan Review Process
Attachments: Existing CSDP Process.docx; Draft Site Plan Review Process.docx; Site Plan Review Map.pdf; ComparisonCSDPandSitePlanReview.docx

Good morning.

One of the 2011 tasks for Kenmore's Department of Planning and Community Development is to revise the City's commercial site development permit (CSDP) process to better serve citizens and applicants.

We are contacting you about this project because you have, in the past, participated in some way in the City's CSDP process and therefore have first-hand experience with it.

We are interested in your feedback on the preliminary draft code. We would appreciate knowing whether you like the change, dislike the change, suggest modifications, or have no opinion.

We have attached copies of the current CSDP code, the revised code titled Site Plan Review, and the related map. The major differences between the two processes are shown in the comparison chart, also attached. With the revisions, only projects in certain geographic areas would have to obtain a site plan review. Other projects would be able to move directly to building and/or engineering permits. As drafted, an applicant may elect to undergo a site plan review if they wish to establish vesting rights.

These amendments are part of a much larger package of amendments to reorganize, consolidate and clarify the City's subdivision and zoning rules that will be going before the City Council in May. If you wish to follow this process, please let us know and we will add your name to our mailing list. A public hearing on all of the proposed amendments is anticipated in June.

Thank you in advance for any time you can spend with us in this effort. We welcome your comments in whatever format works best for you, but hope to have comments from all reviewers by Friday, April 8. If you have any questions, please don't hesitate to contact me.

Sincerely,

Lauri W. Anderson, AICP

Senior Planner
City of Kenmore
425-398-8900

Lauri Anderson

From: codyconsulting@comcast.net
Sent: Monday, April 04, 2011 12:12 PM
To: Lauri Anderson
Subject: Site Plan Review (Proposed)

Lauri,

Actually, I will make a couple of threshold observations:

1. It would seem that a site already subject to a master plan should be able to move directly to building permit application and /or engineering review. The master plan process is extensive (and painful).
2. That said, the SPR process as proposed, together with the expansion of projects that can go straight to permit and engineering, is a distinct improvement.
3. This is especially true in doing away with 18.90.080 - an existing morass.

Thanks,

George

George W. Cody, JD, MA
Consultant - Land Use &
Capital Project Management

425-478-4006
PO Box 82039
Kenmore, WA 98028-0039

Lauri Anderson

From: Lauri Anderson
Sent: Thursday, April 28, 2011 9:47 AM
To: Lauri Anderson
Subject: FW: Kenmore's Site Plan Review Process

From: Bill Rutledge [<mailto:bill@rutledge Maul.com>]
Sent: Tuesday, April 19, 2011 3:57 PM
To: Lauri Anderson; wstrouse@kslarchitects.com; matta@weinsteinau.com; brian@grouparch.com; forest@tca-inc.com; JonM@WeinsteinAU.com; ggoode@bastyr.edu; sdennehv@nud.net; mhlincy@comcast.net; blakepuckett@nsd.org; brent@brentplanningsolutions.com; mglifford@nacarchitecture.com; info@shulerarchitecture.com; Todd Banks
Subject: RE: Kenmore's Site Plan Review Process

Hi Lauri,

After reviewing the package you emailed me I believe the changes make sense. If I understand correctly, there would be many sites that would not have to go through the site plan review process under the new guidelines. That makes sense to me. I do question the map showing the locations of sites that would require the site plan review process. The areas shown in the red or black lines make sense and that is okay. But, there are areas such as between Bothell Way and NE 181st and between 61st and 65th that I think should be included in the required areas for site plan review. I'm not sure why these and a couple of others were not included because I have seen assemblages of other sites I worked on that were on similar stretches of major right of ways. Other than that I have no other comments.

Good luck with your process.

Bill
Architecture & Planning
rma
Rutledge Maul Architects, P.S. Inc.
19336 47th Ave. NE
Seattle, WA 98155
(206) 440-0330 Ext #1

Lauri Anderson

From: Lauri Anderson
Sent: Thursday, April 28, 2011 9:46 AM
To: Lauri Anderson
Subject: FW: Kenmore's Site Plan Review Process

From: William Strouse [<mailto:wstrouse@kslarchitects.com>]
Sent: Tuesday, April 19, 2011 5:54 PM
To: Bill Rutledge
Cc: Lauri Anderson; matta@weinsteinau.com; brian@grouparch.com; forest@tca-inc.com; JonM@WeinsteinAU.com; ggoode@bastyr.edu; sdennehy@nud.net; mhincy@comcast.net; blakepuckett@nsd.org; lbrent@brentplanningsolutions.com; mgifford@nacarchitecture.com; info@shulerarchitecture.com; Todd Banks; Aso Jaff
Subject: Re: Kenmore's Site Plan Review Process

Lauri,

Thank you for the opportunity to provide input. Having been through the process I see nothing wrong with the changes. I'm sure the exclusions are not all based on the ideal as Bill points out below but otherwise everything seems workable. The biggest issue we had and have had in general over the years is not so much the process or the requirements but the predictability of the timing. In Kenmore at a pre-app with the owner we were told it would take 6 weeks to go through the process and get to a permit and it took 6 months and we turned everything around very fast and had very few comments. In fact the process went rather smooth. It just took 6 months. The owner, who was at this meeting with 10 people, 6 from the City, went ahead and signed a lease for the tenant to gain occupancy at a certain date which was based on a conservative 3 month permit time table and the tenant was not happy nor was the developer when we missed the occupancy date by 3 months. Had we been told 6 months at the beginning it could have been planned in and it would not have been a problem.

Accurate prediction of processing time is the single most important issue on the developer/owners mind when planning a project and the City that can predict that to a reasonable degree of accuracy will win projects in the long run to a much greater degree than the ease or difficulty of their design guidelines because in this crazy world, timing is everything. I know this is not what you are asking for but I would place it at the top of the list. Thanks much,
Bill

On 4/19/2011 3:56 PM, Bill Rutledge wrote:
Hi Lauri,

After reviewing the package you emailed me I believe the changes make sense. If I understand correctly, there would be many sites that would not have to go through the site plan review process under the new guidelines. That makes sense to me. I do question the map showing the locations of sites that would require the site plan review process. The areas shown in the red or black lines make sense and that is okay. But, there are areas such as between Bothell Way and NE 181st and between 61st and 65th that I think should be included in the required areas for site plan review. I'm not sure why these and a couple of others were not included because I have seen assemblages of other sites I worked on that were on similar stretches of major right of ways. Other than that I have no other comments.

Good luck with your process.

--
Bill
William Strouse, AIA

KSI Architecture & Planning
5818 114th Ave NE
Kirkland, WA 98033
ph 425.968.8197
mb 206.601.7363
www.ksiarchitects.com

Lauri Anderson

From: Jon Mihkels [jmihkels@gmail.com]
Sent: Thursday, April 21, 2011 9:44 AM
To: Lauri Anderson
Subject: Code Changes - Mailing List

Lauri-

Please include me on the mailing list for code changes.

I did not have the opportunity to review the proposed site plan review changes before April 8th, But reading them I would think most of the frontage along Bothell Way would require site plan review as this is the front door to Kenmore and would have a community review requirement as a condition of development. Also, simply from an early input on traffic impact it would seem required site plan review would be appropriate. The section should include some timeline for City and Applicant responses so one can estimate the duration of the process when planning a project.

Regards,

Jon Mihkels, AIA

Note, I am no longer with Weinstein A|U Architects. Please update my e-mail contact, Thank you.



Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications (Listserv)
- ★ Civic Education
- ★ History of the State Legislature

Outside the Legislature

- ★ Congress - the Other Washington
- ★ TVW
- ★ Washington Courts
- ★ OFM Fiscal Note Website



RCWs > Title 43 > Chapter 43.21C > Section 43.21C.240

43.21C.230 << 43.21C.240 >> 43.21C.250

RCW 43.21C.240

Project review under the growth management act.

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action shall determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. Rules adopted by the department according to RCW 43.21C.110 regarding project specific impacts that may not have been adequately addressed apply to any determination made under this section. In these situations, in which all adverse environmental impacts will be mitigated below the level of significance as a result of mitigation measures included by changing, clarifying, or conditioning of the proposed action and/or regulatory requirements of development regulations adopted under chapter 36.70A RCW or other local, state, or federal laws, a determination of nonsignificance or a mitigated determination of nonsignificance is the proper threshold determination.

(2) A county, city, or town shall make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

[2003 c 298 § 2; 1995 c 347 § 202.]

Notes:

Severability – 2003 c 298: See note following RCW 43.21C.229.

Findings – Intent – 1995 c 347 § 202: "(1) The legislature finds in adopting RCW 43.21C.240 that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements." [1995 c 347 § 201.]

Finding – Severability – Part headings and table of contents not law – 1995 c 347: See notes following RCW 36.70A.470.