

Attachment B – City of Kenmore – Ecology Required and Recommended Changes

The changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III)

ITEM #	SMP Submittal PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	City Input (Text changes shown in Attachment C)	Ecology Review of City Input																																										
Req-1 Req-2 Rec-1	KMC 16.05.060 Relationship to other Kenmore programs.	<p>B. The following sections of the Kenmore Municipal Code are adopted and incorporated by reference as part of the Shoreline Master Program:</p> <ol style="list-style-type: none"> Chapter 1.20 KMC – Code Enforcement. Chapter 18.55 – Critical Areas <u>(Ord No. 19-0488, dated 2019)</u>, except for the following sections: <ol style="list-style-type: none"> KMC 18.55.150 – Exemptions KMC 18.55.160 - Exception - Public Agency and Utility KMC 18.55.170 - Variances KMC 18.55.180 - Exception - Reasonable Use KMC 18.55.230 - Unauthorized critical area alterations and enforcement. <u>KMC 18.55.300.D – Limited Exemptions in Wetlands</u> <u>Article XIX Flood Hazard Areas. This section applies within shoreline jurisdiction but is not incorporated as specific regulations of this SMP.</u> 	<p>Required change 1: Add Ordinance number and date to incorporated regulations. For consistency with WAC 173-26-191(2)(c), which authorizes the incorporation of other regulations into the SMP by referring to a specific, dated edition.</p> <p>Required Change 2: Add KMC 18.55.300.D as an exclusion. These limited exemptions that allow modifications to small wetlands in shoreline jurisdiction are not consistent with requirement to achieve no net loss of ecological function pursuant to WAC 173-26-186(8)(b).</p> <p>Recommended change: Do not incorporate flood hazard regulations into the SMP. Flood hazard regulations are not necessary for consistency with RCW 90.58 or the SMP guidelines. The purpose of these regulations is for NFIP certification, not the SMA. These regulations, by-and-large, are building codes. By incorporating these regulations into the SMP, any applicant that needs to deviate from these would need to obtain a shoreline variance, which could be hard to obtain. Furthermore any amendments to these that may be required by the NFIP would then need to go through the SMP amendment process. Several definitions in this section are inconsistent with SMA definitions. Ultimately, these unnecessary permitting and process steps could threaten the City’s ability to maintain its certifications under the NFIP. We recommend that the SMP contain a soft reference to its flood hazard regulations and that these be implemented separately from the SMP.</p>																																												
Req-3 Rec-2	KMC 16.50.030.A Shoreline use table.	<table border="1"> <thead> <tr> <th></th> <th>Downtown Waterfront</th> <th>Swamp Creek Commercial</th> <th>Shoreline Residential</th> <th>Urban Conservancy</th> <th>Natural</th> <th>Aquatic</th> </tr> </thead> <tbody> <tr> <td>Recreational facility, indoor</td> <td>P2</td> <td>P2</td> <td>X</td> <td>P2</td> <td>X</td> <td>X</td> </tr> <tr> <td>Regional Land Use, except for airport, ferry terminal, and highway and street, which are described below. See also KMC 16.50.085</td> <td>C7</td> <td>C7</td> <td>X</td> <td>X</td> <td>X</td> <td>C3</td> </tr> <tr> <td>Highway and street</td> <td>C10</td> <td>C10</td> <td>C10</td> <td>C10, 12</td> <td>C 10, 12</td> <td>C10, 12</td> </tr> <tr> <td>Standalone parking. See also KMC Section 16.50.087.</td> <td>C13</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Transportation. See also KMC Section 16.50.085.</td> <td>C2</td> <td>C2</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> </tbody> </table>		Downtown Waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural	Aquatic	Recreational facility, indoor	P2	P2	X	P2	X	X	Regional Land Use, except for airport, ferry terminal, and highway and street, which are described below. See also KMC 16.50.085	C7	C7	X	X	X	C3	Highway and street	C10	C10	C10	C10, 12	C 10, 12	C10, 12	Standalone parking. See also KMC Section 16.50.087.	C13	X	X	X	X	X	Transportation. See also KMC Section 16.50.085.	C2	C2	X	X	X	X	<p>Required change 3: Cross-check use table with use regulations This table provides a quick way for the reader to determine what uses are allowed, conditionally allowed, or prohibited. It then refers readers to specific regulations for those uses KMC 16.50.040-090. Footnotes to the table also appear to contain regulations. However, there appear to be internal inconsistencies between the use table, its footnotes, and the use regulations. Changes are necessary to resolve these inconsistencies. We recommend the City review the issues identified below and determine how it would like to resolve them:</p> <ol style="list-style-type: none"> Indoor recreational facilities in Urban Conservancy. The table says these are an allowed use, but Footnote 5 states that only parks, trails, and boating facilities are allowed in Urban Conservancy and that all other recreational uses are prohibited. Regional Land Uses. According to KMC 18.20, “Regional land use” means an airport, ferry terminal, park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Regional 	<p>Required change 3:</p> <ol style="list-style-type: none"> Only footnote 2 applies to <i>indoor</i> recreational facilities. The <i>outdoor</i> recreational facilities are in a separate line of the use matrix, and footnote 5 applies to them. The regional land use category in the matrix has been revised to exclude mention of highways and streets. Highways and streets are now addressed in the renamed 16.50.085 “Transportation facilities” and have a new row of the same name in the matrix. The matrix footnotes 10 and 12 that related specifically to highways/streets have also been relocated into -.085. The original Transportation row in the matrix has 	<ol style="list-style-type: none"> City proposes to rename uses to: “Park, non-water-oriented,” “Park, water-oriented,” “Recreational facility, indoor, commercial,” “Recreational facility, outdoor, commercial.” The first is prohibited in all environments. The second allowed in all environments. The third allowed in Downtown Commercial and Swamp Creek Commercial. The last allowed in all environments with footnotes limiting this allowance. This addresses the internal inconsistency. The City’s proposed changes in Attachment C remove the incorrect code reference and
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			<p>land use includes essential public facilities, as defined in RCW 36.70A.200, if not otherwise defined in this title.” With the exceptions listed in this row, this row would then only apply to park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Park and ride lots are covered by standalone parking in another row. The other uses are not preferred uses in the shoreline. The reference to KMC 16.50.085 for additional information takes the reader to use standards for “transportation and facilities,” which is not applicable for these uses.</p> <p>C. “Highway and street” versus “Transportation.” The definition of “transportation” in KMC 18.20 implies that this is a commercial use that involves selling/providing transportation services (e.g. a taxi service). However, the reference to KMC 16.50.085 brings the reader to a section with standards for circulation systems, namely roads and bridges. This is confusing considering there is another use called “Highway and street” in the table. Further, “transportation” is prohibited in the Aquatic environment, which would seem to prohibit bridges over the Sammamish River, however, it’s not clear this was the intent.</p> <p>D. Highway and street. The use matrix lists “Highway and street” as a conditional use in all shoreline environments. KMC 16.50.085.F implies that this use may be permitted outright if it meets the criteria in (F). This creates an internal inconsistency.</p> <p>E. Standalone parking. Footnote 13 mentions commuter parking, while KMC Section 16.50.087 clarifies that parking is only allowed as necessary to support an authorized use. This creates an internal inconsistency if this table claims that stand alone parking (which, by definition, is not supporting another authorized use) is allowed with a conditional use permit.</p> <p>F. Uses without regulations. The amendment adds many new uses to the table but there are no use regulations for them (as needed for consistency with WAC 173-26-241(1) and (2)). It appears that many of these new uses may be commercial and light manufacturing. One way to address this issue may be to categorize the uses in the use table so that it’s clear which use regulations apply to them.</p> <p>Recommended Change: Remove regulations from table footnotes and place with corresponding use regulations in KMC 16.50.040-090. There appears to be some regulations in the footnotes that are not found in the use regulations in KMC 16.50.040-090. This makes it difficult to find all regulations applicable to a development proposal. In general, footnotes should be reserved for clarifications of the table, not use regulations. Regulations for specific uses should be located with those sections of the code. This helps consolidate regulations and improves readability and implementation.</p>	<p>been renamed to Transportation services, which corresponds to the definition of transportation in KMC 18.20.3075 and covers commercial transportation-related business.</p> <p>C. See B above.</p> <p>D. KMC 16.50.085.G has been revised to note that expansions of existing highways and streets could be approved without a CUP if certain conditions are met.</p> <p>E. Parking regulations have been relocated to 16.45.040. The regulations have been clarified to state that <i>accessory</i> parking, not parking more generally, is allowed to support an authorized use. Standalone parking is only allowed as identified in the use matrix with a CUP, and has to follow the parking regulations.</p> <p>F. A footnote 2 has been added to the matrix for all uses which should reference KMC 16.50.075 (Commercial, light manufacturing, and institutional uses).</p> <p>Recommended change 2: The standards in former Footnote 2 have been relocated to 16.50.075 (Commercial/light manufacturing/institutional) and 16.50.090 (Residential). Old footnotes 10 and 12 have been relocated to 16.50.085 (Transportation facilities).</p> <p>Further, regulations under 16.50.030.C and D have been relocated to new sections 16.45.020 (Accessory uses) and 16.45.030 (Outdoor storage).</p>	<p>update the footnotes. These changes address the internal inconsistency.</p> <p>C. The City proposes to remove “Highways and street” and add a new use called “Transportation facility.” “Transportation” is renamed to “Transportation services.” The latter is a commercial use and the footnote now refers to the correct use standards. The proposed changes as shown in Attachment C address the internal inconsistencies.</p> <p>D. In Attachment C, the City proposes changes in KMC 16.50.085 to clarify that in certain circumstances, street expansions may be allowed without a conditional use permit. This addresses the internal inconsistency.</p> <p>E. The City proposes changes in the table and in 16.45.040 that address Ecology’s original concerns.</p> <p>F. This addresses Ecology’s concerns.</p> <p>Recommended change: The City proposes to relocate use standard from the footnotes to code sections in KMC 16.50. The footnotes now contain references to the corresponding use standards.</p> <p>The City’s proposed changes, as shown in Attachment C, address Ecology’s concerns and are consistent with the SMA and the SMP Guidelines.</p>
<p>Req-4 Req-5</p>	<p>KMC 16.50.030.B Shoreline Use Criteria</p>	<p>2. Water-dependent and water-related uses shall be permitted. Public access improvements consistent with this chapter are required for all uses, unless precluded by public safety considerations. Non-water-dependent and</p>	<p>Required change 4: Remove (d) from the list of required criteria The proposed amendment strikes out subsection (d), but this reference was not updated. For internal consistency, this reference to (d) should be removed.</p>		

		<p>non-water-related uses shall be permitted only if the use meets the standards of subsections (a), (b), and (c) and (d) below:</p> <p>a. The development is:</p> <p>...</p> <p>(2) A new or expanding development in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current streamshoreline buffer provisions of the KMC Chapter 18.55<u>16.65.020</u> and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or</p>	<p>Required change 5: Refer to the SMP for shoreline buffers and not the CAO</p> <p>Swamp Creek is a shoreline of the state and with the proposed amendments, required shoreline buffers will be listed in KMC 16.65.020, not KMC 18.55, which refers the reader back to the SMP for buffers on Swamp Creek. The required change is necessary for internal consistency with KMC 16.65.020.</p>																																
Req-6	KMC 16.55.050 Water Access Structures	<p>B. Any pier, dock, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:</p> <p>...</p> <p>▲ If the standards in KMC 16.55.050.B cannot be met due to a public or private navigational or ecological concern, then an alternative design in lieu of meeting these requirements may be allowed without a shoreline variance if approved by other state and federal agencies, provided any impacts are appropriately mitigated and the facility does not interfere with public use of the shoreline.</p>	<p>Required change 6: Remove this provision.</p> <p>The effect of this provision is to remove any standards for overwater structures and to instead rely on outside agencies for review of water access structures. This is inconsistent with RCW 90.58 as it displaces SMA/SMP authority to agencies not charged with implementing the SMA or SMP. By transferring that authority, the SMP no longer contains standards for piers/docks. The required change is necessary for consistency with the SMA and with the requirement in WAC 173-26-191(2)(a)(ii)(A) that local master programs regulations “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies.”</p>																																
Req-7	KMC 16.55.050 Water Access Structures	<p>D. Proposals that do not meet the requirements of subsection B of this section and that are designed to support a commercial or light manufacturing water dependent use, or to provide public access, or to serve residential uses, may be considered by the city manager. For any alternative proposal, the applicant must demonstrate that the proposed deviation is the minimum necessary to meet the needs of the specific use proposed, and provides an equal or greater degree of protection of ecological functions and anadromous species habitat than would strict adherence to the standards. For purposes of meeting this requirement, the city manager will review the required habitat management plan to determine whether the project is adequately protective.</p>	<p>Required change 7: Remove this provision.</p> <p>See explanation for Item # Req-7</p>																																
Req-8	KMC 16.60.010 Vegetation Conservation Areas	<p>A. Shoreline buffers shall be considered vegetation conservation areas in which existing native vegetation is retained, except in the following circumstances <u>and when mitigation sequencing is demonstrated</u>:</p> <ol style="list-style-type: none"> The activity is part of a permitted shoreline restoration or enhancement project; The activity is an allowed water-dependent or water-enjoyment use or modification; The activity implements a public access or recreation maintenance plan; or The vegetation removal is otherwise specifically allowed under Chapter 16.50, 16.55, or 18.55 KMC. 	<p>Required change 8: Require mitigation sequencing for new proposed allowances in vegetation conservation areas.</p> <p>The City proposes to add exceptions to the requirement to retain existing native vegetation in shoreline buffers (vegetation conservation areas). To ensure that these new allowances result in no net loss of ecological function per WAC 173-26-186(8)(b), project proponents should demonstrate that they have first avoided and minimized impacts to native vegetation by going through mitigation sequencing.</p>																																
Req-9	KMC 16.60.020.A Shoreline density and dimensions table	<table border="1"> <thead> <tr> <th></th> <th>Downtown waterfront</th> <th>Swamp Creek Commercial</th> <th>Shoreline Residential</th> <th>Urban Conservancy</th> <th>Natural</th> </tr> </thead> <tbody> <tr> <td colspan="6">Shoreline Buffers from OHWM on Lake Washington</td> </tr> <tr> <td>Non-water-oriented parks and outdoor recreational facilities</td> <td>50 ft (1)</td> <td>NA</td> <td>75 ft</td> <td>1500 ft</td> <td>150 ft</td> </tr> <tr> <td colspan="6">Shoreline Buffers from OHWM on the Sammamish River</td> </tr> <tr> <td>Non-water-oriented</td> <td>100 ft</td> <td>NA</td> <td>15075 ft</td> <td>15000 ft</td> <td>150 ft</td> </tr> </tbody> </table>		Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural	Shoreline Buffers from OHWM on Lake Washington						Non-water-oriented parks and outdoor recreational facilities	50 ft (1)	NA	75 ft	1500 ft	150 ft	Shoreline Buffers from OHWM on the Sammamish River						Non-water-oriented	100 ft	NA	15075 ft	15000 ft	150 ft	<p>Required Change 9: Retain existing shoreline buffers for non-water-oriented parks and outdoor recreational facilities.</p> <p>The SMP amendment establishes shoreline buffers along the Sammamish River and Swamp Creek, where there currently is a 150-foot critical area buffer. In most cases, the shoreline buffer is smaller than the critical area buffer. The Cumulative Impacts Analysis (CIA) addendum provides analysis to support this tied to existing conditions and anticipated development. Parts of the proposed amendment appear inconsistent with the recommendation of this addendum, which states in section 2.2.2 that “On the Sammamish River and Swamp Creek, a protective 150-foot buffer was retained for ... residential and non-water-oriented uses in the Urban Conservancy environment.” This required change retains the existing</p>		
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Req-10	KMC 16.65.020 Shoreline Density and dimensions table and development conditions	<table border="1"> <tr> <td></td> <td>Downtown waterfront</td> <td>Swamp Creek Commercial</td> <td>Shoreline Residential</td> <td>Urban Conservancy</td> <td>Natural</td> </tr> <tr> <td colspan="6">Shoreline Buffers from OHWM on the Sammamish River</td> </tr> <tr> <td>Residential development¹</td> <td>75 ft</td> <td>NA</td> <td>Reach²: B1 – 150 ft B2 – 100 ft B3 – (4) B4 – 75 (6)</td> <td>150 ft</td> <td>150 ft</td> </tr> </table> <p>6. TheA shoreline buffer of 15 feet applies to the existing manufactured housing communities. AThe shoreline buffer of 75 feet shall apply to any proposed change of use, but may be reduced to 50 feet without a shoreline variance with implementation of ...</p>		Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural	Shoreline Buffers from OHWM on the Sammamish River						Residential development ¹	75 ft	NA	Reach ² : B1 – 150 ft B2 – 100 ft B3 – (4) B4 – 75 (6)	150 ft	150 ft	<p>Required change 11: Clarify what the required buffer is for new residential development in Reach B4</p> <p>The purpose of this table to provide dimensional standards for development. Separately, the City has established standards for existing development that is non-conforming to these standards in KMC 16.75.050. However, the City must first establish what the required standard is. Listing the standards for existing non-conforming development first and burying the actual development standard in a footnote is confusing and misleading. The required change is not intended to change the dimensional standards that apply, but rather it is intended to ensure that City staff and applicants can readily find the correct standard for development proposals.</p> <p>This change is necessary for consistency with WAC 173-26-191(2)(a)(ii)(A), which requires that SMP regulations “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies.”</p>														
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<p>Req-12 Req-13 Req-14 Req-15 Req-16 Req-17</p>	<p>KMC 16.65.020.B Development Conditions (Footnotes to Shoreline Density and Dimension Table)</p>	<p>3. Public trails in critical areas and shoreline and critical area buffers are specifically addressed in Chapter 18.55 KMC. In recognition of the existing conditions of current and planned City shoreline parks and public or private outdoor recreational facilities, the following standards shall guide new development and redevelopment of water-oriented park and outdoor recreational facilities in buffers. For any allowed development or modification within a buffer, applicants shall submit a plan that addresses compliance with each of the following applicable standards and principles. The City may review and condition the project to more fully implement the principles below:</p> <p>a. In addition to trails and water-dependent developments, such as water access structures, the following list of uses and modifications may be allowed within buffers if they support water-oriented parks and outdoor recreation facilities and demonstrate consistency with b through f below. This list will serve as a guide, and is not exclusive. The city manager has the discretion to decide if a proposed use or modification supports water-oriented public access and outdoor recreation, and shall consult the <u>definition of water-oriented in KMC 16.10.610. City's public access plan as identified in KMC 16.50.060.</u></p> <p>(1) Benches, picnic tables, and picnic shelters. (2) Play and exercise equipment. (3) Boating support improvements (e.g., boat storage, staging areas, temporary seating for events). (4) Observation platforms. (5) Visual and auditory art installations. (6) Safety improvements (e.g., cameras, fencing, fire prevention).</p> <p>...</p> <p>c. To the extent feasible, non-water-oriented park and outdoor recreational uses and modifications should be upland of water-oriented uses and modifications.</p> <p>d. If parking improvements supporting water-oriented parks and outdoor recreation facilities cannot comply with KMC 16.50.087, parking within buffers shall be limited to that necessary to provide vehicle access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking when there are no feasible locations outside of shoreline jurisdiction and outside of shoreline buffers. New or improved pollution-generating impervious surfaces shall provide water quality treatment consistent with the City's adopted Surface Water Design Manual. All parking should be located as far from the ordinary high water mark as feasible and any expansions should not extend closer to the shoreline waterbody.</p> <p>e. New and expanded public access and recreation uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. Necessary tree removal shall be mitigated at a 3: 1 ratio, with an emphasis on use of native conifers placed to maximize ecological benefits to the shoreline waterbody.</p> <p>f. A vegetation management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates a site-specific plan for use of integrated pest management techniques, if applicable, identifying anticipated use of fertilizers, herbicides and pesticides. The strategy shall include methods of application that ensure that these materials will not enter the water.</p>	<p>Required Change 12 – Restructure Footnote 3 Overall this footnote is confusing and hard to implement as it mixes in use regulations in a footnote to dimensional standards. Several of the components of this footnote appear to be general standards for recreational uses. For example, sub-sections (e) and (f) contain use regulations that are unrelated to dimensional standards. It's also unclear what the buffer for water-oriented uses is for, if in fact water-oriented uses are allowed in the buffer. A change to the wording and structure of this footnote is necessary for internal consistency with KMC 16.50.070 and to ensure the SMP regulations are able to be implemented pursuant to WAC 173-26-191(2)(a)(ii)(A). Ecology has not provided text changes and has requested that the City provide input on specific text changes to address this issue.</p> <p>Required change 13: Limit allowances for new development and redevelopment of water-oriented park and outdoor recreational facilities in buffers to public facilities only. For consistency with the use preferences of RCW 90.58.020, which prioritizes "development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."</p> <p>Required change 14: Limit allowances in the buffer to items that are water-oriented The city manager should rely on the definition of water-oriented, which is consistent with the definition in WAC 173-26-020 to determine if a use or modification is water-oriented. Not all of the items listed in sub-section (a) are water-oriented. The change is necessary for consistency with the use preferences of the SMA and the definition of water-oriented in WAC 173-26-020. The City provided input that they would prefer not to include a list at all.</p> <p>Required change 15: Delete sub-section (c) Sub-section (c) appears to allow non-water oriented park and outdoor recreational uses in the shoreline buffer, as long as they are landward of water-oriented uses. This is inconsistent with the use preferences of RCW 90.58.020 and inconsistent with KMC 16.65.020.A, which establishes different buffers for non-water-oriented parks and facilities. Non-water oriented uses should not occur in shoreline buffers. This regulation may be appropriate if located in KMC 16.50.070 Parks and Recreation instead of in a buffer table.</p> <p>Required change 16: remove allowances for non-water-dependent parking within shoreline buffers. For consistency with the use preferences of the Act (RCW 90.58.020), with WAC 173-26-241(3)(k), which requires jurisdictions to "Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features," and with Kenmore SMP Policies LU-23.9.11, LU-23.11.3, and LU-23.11.5. If a park redevelopment cannot occur without parking in the shoreline buffer, then a shoreline variance can be applied for.</p>	<p>An important set of changes have been made in the use matrix and in Section 16.50.070 to better distinguish parks from <i>commercial</i> recreational facilities and to implement Ecology's comments. A park, by City definition, is a "site designed or developed for recreational use by the public..." and in practice is limited to public park facilities/properties or required recreational open space provided in a subdivision or multifamily development. Other recreational facilities are defined as "an establishment that provides facilities or services for recreational uses," either inside or outside of buildings. Indoor commercial recreation, such as gyms, indoor swimming pools or fitness centers, has more in common with traditional commercial uses, and thus the applicable regulations are limited to 16.50.075, Commercial, light manufacturing and institutional uses (see new note in the use matrix following "Recreational facility, indoor, commercial"). However, outdoor commercial recreation, such as outdoor swimming pools, marinas and boat launches, has more in common with City parks and shares a greater likelihood for providing public access and recreation opportunities that are preferred in shoreline jurisdiction. Thus, these two categories are regulated together in the retitled 16.50.070, Parks and commercial outdoor recreation. These changes are reflected in clarifications to the use matrix and in 16.50.070.</p> <p>Required change 12: Old footnote 3 has been relocated to 16.50.070.C and D, and further modified per input from and discussion with Ecology. See highlighted edits in attachment.</p> <p>Required change 13: Changes have been made in new section 16.50.070.D (old footnote 3) to further prioritize modifications in buffers for water-oriented parks and <i>publicly accessible</i> commercial outdoor recreation only. In addition, "Recreational facility, indoor, commercial" uses have been prohibited in the Urban Conservancy environment. See highlighted edits in attachment.</p> <p>Required change 14: See changes to old footnote 3 which is now in 16.50.070.D. See highlighted edits in attachment.</p> <p>Required change 15&16: Agreed. See highlighted edit in attachment.</p>	<p>12. City proposes to relocate most of this footnote to KMC 16.50.070 and make clarifications to table regarding types of parks and recreational uses. The proposed language as shown in Attachment C addresses Ecology's concerns identified in this required change.</p> <p>13. The City's requested change as shown in Attachment C is consistent with the intent of Ecology's original required change.</p> <p>14. City accepts required change. The City proposes to relocate the regulations to KMC 16.50.070 as shown in Attachment C.</p> <p>15&16. City accepts required change. The City proposes to relocate the regulations to KMC 16.50.070 as shown in Attachment C.</p>
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<p>Req-17</p>	<p>Policy LU-23.9.11</p>	<p>Where possible, during park master plan development or redevelopment, consideration Kenmore should restore shoreline ecological function, including by be given to revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.</p>	<p>Required change 17: Retain existing language directing the City to restore shorelines in areas for public recreation. The existing language in this policy directs the City to restore shorelines in areas for public recreation. The proposed text changes would direct the City to only consider restoring shorelines. This change is necessary for consistency with the recommendations of the City's Restoration Plan and with the requirements that the SMP achieve no net loss, pursuant to WAC 173-26-186(8).</p>		
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