

## Attachment C

### City Proposed Regulatory Amendments to Address Ecology's Required And Recommended Changes from Attachment B (amended sections only)

#### 16.05.060 Relationship to other Kenmore programs.

A. Kenmore shall issue no permit or approval contrary to the goals, policies, and regulations of the City of Kenmore *Shoreline Master Program* when property under the jurisdiction of the Shoreline Management Act is involved.

B. The following sections of the Kenmore Municipal Code are adopted and incorporated by reference as part of the *Shoreline Master Program*<sup>1</sup>:

1. Chapter [1.20](#) KMC – Code Enforcement.
2. Chapter 18.55 KMC – Critical Areas ([Ordinance 19-0488, effective June 25, 2019](#)), except for the following sections:
  - a. KMC 18.55.150 - Exemptions
  - b. KMC 18.55.160 – Exception – Public Agency and Utility
  - c. KMC 18.55.170 – Variances
  - d. KMC 18.55.180 – Exception – Reasonable Use
  - e. KMC 18.55.230 – Unauthorized critical area alterations and enforcement
  - f. [KMC 18.55.300.D – Limited Exemptions in Wetlands](#)
  - g. [KMC Chapter 18.55, Article XIX, Flood Hazard Areas. While the Flood Hazard Areas regulations apply within shoreline jurisdiction, the regulations, themselves, are not incorporated as part of this \*Shoreline Master Program\*.](#)

Other sections of the Kenmore Municipal Code cross-referenced in this chapter are provided for reference purposes. Unless specifically stated, the *Shoreline Master Program* does not eliminate or reduce the requirements of any other portion of the Kenmore Municipal Code.

<sup>1</sup> [Certain](#) [Critical area](#) code sections from Chapter [18.55](#) KMC – as they existed at the time of *Shoreline Master Program* approval by the Washington Department of Ecology in [20122020](#) [and are described in](#) [KMC 16.05.060\(B\)](#) – have been adopted into the shoreline regulations as part of the *Shoreline Master Program*. Future amendments to these sections of Chapter [18.55](#) KMC will not be in effect in the shoreline jurisdiction unless and until the *Shoreline Master Program* also is amended.

## Chapter 16.45 GENERAL SHORELINE DEVELOPMENT STANDARDS

Sections:

**16.45.010 General shoreline development requirements.**

**16.45.020. Accessory uses.**

**16.45.030. Outdoor storage.**

**16.45.040. Parking.**

**16.45.050. Public access.**

**16.45.060. Historic properties.**

**16.45.070. Channel migration zone on Swamp Creek.**

### **16.45.010 General shoreline development requirements.**

A. Kenmore shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline *ecological functions* and processes. Mitigation for impacts resulting in uses and modifications shall follow the mitigation sequencing requirements of KMC [18.55.210](#) and consider the priorities specified in the shoreline *restoration* plan.

B. All shoreline uses and developments shall be subject to the following general development standards:

1. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and groundwater on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

2. *Solid* and liquid *wastes* and untreated effluents shall not enter any bodies of water or be discharged onto the land.

3. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational *marinas*, commercial moorage, and vessel repair facilities.

4. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. The use of chemicals to control invasive aquatic weeds shall be limited to herbicides; provided, that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.

5. All shoreline developments and uses shall manage increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, permeable surfacing, dikes, catch basins, settling ponds, interceptor drains and planted buffers.

6. All shoreline developments and uses shall control erosion during project construction and operation.

7. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance of or minimize adverse impacts to protect *fish and wildlife habitats of importance*, including, but not limited to, spawning, nesting, rearing and habitat areas, and migratory routes. Where avoidance of adverse impacts is not practicable, the *city manager* may require that mitigation measures to protect species and habitat functions be developed in consultation with State resource management agencies and federally recognized tribes.

8. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, erosion and accretion.

9. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

10. Land clearing, *grading*, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for *development*. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

11. All shoreline development shall be located, constructed and operated so as to protect public health, safety and welfare.

12. All *development* activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as *bulkheads*, other bank stabilization, landfills, levees, dikes, *groins*, *jetties* or substantial site regrades.

13. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry into any water body.

14. Navigation channels shall be kept free of hazardous or obstructing *development* or uses.

**15. Heating and cooling equipment may not be placed in waters of the State. (RELOCATED FROM 16.45.010.B.17)**

**16f.** 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.

**(RELOCATED FROM 16.50.070.D.3.f)**

#### **16.45.020. Accessory uses. (RELOCATED FROM 16.50.030.C)**

**4A.** Conditional or prohibited uses may be permitted as *accessory uses* only if clearly incidental and necessary for the operation of a permitted principal use. For purposes of this section, *air transportation service* shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable *shoreline environment*.

**2B.** Unless specifically stated otherwise in the regulations for the applicable environment, *accessory uses* that are non-*water-dependent* and non-*water-related*, even if accessory to *water-dependent* or *water-related uses*, shall not be permitted over water unless either:

**a1.** The over-water location is necessary for the operation of the *water-dependent* or *water-related use*; or

**b2.** The lot has a depth of less than 50 feet of dry land.

**C.** *Piers*, *floats*, *pilings*, *breakwaters*, *drydocks* and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable *shoreline environment*.

**D.** *Accessory uses* shall be located on the same lot as the principal use; provided, that when the *accessory use* is also permitted as a principal use in the *shoreline environment* applicable to an adjacent lot, the *accessory use* may be located on that adjacent lot.

**E.** KMC Section 16.50.090 contains additional standards for residential *accessory uses*.

#### **16.45.030. Outdoor storage. (RELOCATED FROM 16.50.030.D)**

Outdoor storage is allowed only in the Downtown Waterfront Environment and is prohibited in all other environments. Such use shall be accessory to a permitted *water-dependent use*, shall be at least 20 feet from the *ordinary high-water mark* and shall meet the following standards:

**4A.** Storage shall not be permitted in required setbacks and shall not be located between the building(s) and the primary street.

**2B.** Storage shall be screened from view from the public right-of-way and adjacent residential zones using a minimum six-foot-high solid wood fence, masonry wall, or vegetation approved by the *city manager*.

**3C.** Storage shall be maintained in a neat, orderly and safe manner and shall not include the exterior accumulation of broken, abandoned or discarded materials, junk, trash, rubbish, or debris.

**4D.** Outdoor storage areas shall be graded and shall meet the requirements of the City's Stormwater Pollution Prevention Manual. Outdoor storage areas may be surfaced with permeable materials if adequate drainage and erosion and dust control are provided.

**5E.** Lighting shall be directed away from adjacent residential zones and shall be shielded as necessary to reduce impacts.

#### **16.45.040. Parking (RELOCATED FROM 16.50.087).**

**A.** *Accessory parking* facilities in shoreline jurisdiction are not a preferred use and shall be allowed only as necessary to support an authorized use. *Standalone parking is permitted as described in KMC 16.50.030.* All *parking* is prohibited in the Natural Environment unless it supports a *water-dependent use* and complies with subsections B, C and D of this section.

**B.** In all *shoreline environment designations*, parking should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is *feasible* unless there are overriding needs for safe ADA (Americans with Disabilities Act) access.

**C.** *Proposed parking facilities shall be planned, located and designed* where routes will have the least possible adverse effect on unique or fragile shoreline features and will not result in a net loss of shoreline *ecological functions* or adversely impact existing or planned *water-dependent uses*.

**D.** Lighting from parking areas shall be screened from illuminating fish and wildlife habitat areas and their buffers; provided, that lighting necessary for safe operation of a permitted *water-dependent use* may be allowed, but should be screened to the extent possible from illuminating fish and wildlife habitat areas and their buffers.

**E.** *Accessory parking* shall not be permitted over water unless it is accessory to a *water-dependent* or *water-related use* located on a lot with a depth of less than 50 feet of dry land and the *city manager* determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available. **(RELOCATED FROM 16.50.030.C.3)**

#### **16.45.050. Public access. (RELOCATED FROM 16.50.060)**

**A.** *Public access to the shoreline* shall be required for publicly funded projects and development on public lands (~~KMC 16.45.040(B)(16)~~), commercial, and *light manufacturing* and *institutional* uses (KMC

16.50.075030(B)(2)), *boating facilities* (KMC 16.50.050), multifamily development, including mixed-use developments that contain *multiple-family dwelling units* (KMC 16.50.090(A)(1)), and land divisions of more than four lots (KMC 16.50.090(A)(2)).

**B.** For all development on private property, *public access* shall be required when such development would either generate or increase demand for *public access* and/or would impair existing legal access opportunities or rights.

**C.** The City adopts the following policies and plans as collectively constituting a shoreline *public access* plan for Kenmore:

- a1. Comprehensive Plan Downtown Sub-Element
- b2. Comprehensive Plan Transportation Element
- e3. Kenmore Parks, Recreation, and Open Space Plan
- e4. Other plans meeting the requirements of WAC 173-26-221(4) and developed through an open public process as provided in WAC 173-26-201(3)(b)(i).

**D.** Where *public access* is required, an *applicant* shall seek to provide physical *public access* consistent with the shoreline *public access* plan.

**E.** Where *public access* is required, it shall:

1. Connect to other public and private *public access* and recreation facilities on adjacent parcels along Lake Washington and the Sammamish River *shorelines* whenever *feasible*;
2. Be sited to ensure public safety;
3. Be open to the general public and accessible directly from a public right-of-way or by an easement granted to the City for *public access*;
4. Enhance access and enjoyment of the shoreline and provide features in scale with the development such as, but not limited to:
  - a. View points;
  - b. Places to congregate in proportion to the scale of the development;
  - c. Benches and picnic tables;
  - d. Beach or water access for boats; and
  - e. Pathways for pedestrians and bicycles.

**F.** Where *public access* is required, the area dedicated and improved for *public access* shall be roughly proportional to the scale and character of the proposed development and its impacts.

**G.** Where *public access* is required, the *city manager* shall first consider the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

**H.** *Public access* improvements shall be designed to be compatible with the purpose and intent of the *shoreline environment* in which they are constructed.

1. The provisions of this section do not apply to the following:

1. Short plats of four or fewer lots; or

2. Where *public access* is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the *shoreline environment*. Where physical *public access* is not *feasible*, opportunities for visual access or other approaches to enhance *public access* to the shoreline, shall be considered by the *applicant*. Alternative *public access* proposals shall be reviewed and approved by the *city manager*.

### **16.45.060. Historic properties.**

Historic properties, including historic buildings, sites, objects, districts and landscapes, prehistoric and historic archaeological resources, and traditional cultural places, shall be protected within *shoreline environments* as follows:

aA. Known Historic Properties.

~~(1.)~~ Known historic properties inventoried by King County and Washington Department of Archaeology and Historic Preservation are subject to the procedures delineated in Chapter [2.20](#) KMC. Disturbance of known archaeological sites is also subject to State regulations, including Chapters [27.44](#), [27.53](#) and [68.80](#) RCW;

~~(2.)~~ If a known archaeological site or traditional cultural place is affected by a *development* proposal, the *city manager* shall require a site inspection or evaluation by a professional archaeologist and inform and consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes. To the extent *feasible*, the *city manager* shall coordinate county and State required permitting and compliance procedures and requirements to avoid substantial duplication of effort by permit *applicants*; and

~~(3.)~~ In considering shoreline permits or shoreline exemptions, the *department* may attach conditions to provide sufficient time for the *city manager* to consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes, and to ensure that historic properties are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term stewardship and protection arrangements. Provision for the protection and preservation of historic properties shall be incorporated in permits and exemptions to the maximum extent practical.

bB. Inadvertent Discovery.

~~(1.)~~ Consistent with the definitions and requirements contained in Chapters [27.44](#), [27.53](#) and [68.80](#) RCW, whenever potentially significant historic properties or archaeological artifacts are discovered in the process of *development* on *shorelines*, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the *city manager* and, if an archaeological site or artifacts have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes and other appropriate agencies;

~~(2.)~~ The *city manager* shall require that a historic property assessment be conducted immediately by a professional archaeologist, ethnographer or historic preservation professional, as applicable, in consultation with State and tribal officials as appropriate, to determine the significance of the discovery and the extent of damage that may have

occurred to the resource. The historic property assessment shall be provided to the *city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, and any concerned Native American tribes to determine the significance of the discovery in accordance with Chapter [27.53](#) RCW and Chapter [25-48](#) WAC; and

~~(3.)~~ Upon receipt of a positive determination of a property's significance, or if available information suggests that a negative determination is erroneous, the *city manager* may require that a historic property management plan be prepared by a qualified professional archaeologist or other appropriate professional if such action is reasonable and necessary to implement related program objectives.

**~~eC.~~** Public Access to Historic Properties.

~~(1.)~~ If a private or publicly owned historic property is identified, *public access* shall be encouraged as appropriate for purposes of public education; provided, that:

~~(a.)~~ The type or level of *public access* is consistent with the long-term protection of both historic resource values and shoreline *ecological functions*; and

~~(b.)~~ An access management plan is developed in accordance with *development* site- and resource-specific conditions to address physical protection of the resource, hours of operation, interpretive or directional signage, lighting, pedestrian access, traffic, and parking, as appropriate, in consultation with the *city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes, or other agencies, as appropriate; and

~~(2.)~~ For archaeological sites and traditional cultural places, approval of proposed access measures by the Washington State Department of Archaeology and Historic Preservation, any concerned Native tribes or other agencies, as appropriate, shall be required prior to provision of *public access* to a site.

~~16. All projects within the shoreline jurisdiction that are either publicly funded or on public land shall include improvements to shoreline *public access*.~~

**16.45.070 Channel migration zone on Swamp Creek. (RELOCATED FROM 16.50.100)**

A. Unless a site-specific study by a qualified professional concludes otherwise, the *channel migration zone* shall include:

1. The 500-year *floodplain* of Swamp Creek within shoreline jurisdiction; and
2. All area within 112.5 feet of Swamp Creek.

B. Within the *channel migration zone*:

1. There shall be no subdivision of land except for the purpose of creating permanent, nonbuildable open space tracts.
2. *Fill* shall not be allowed that impairs channel migration within the *channel migration zone*.

3. No new *development* is allowed where future stabilization, including bank stabilization as well as structural flood hazard reduction, would be necessary.

4. Existing structures can be protected but must use natural stabilization unless proven by a scientifically and technically valid study that the natural stabilization measures will not work.

5. Existing legal uses in the Swamp Creek *floodplain* can be repaired and maintained; provided, that such actions do not cause significant ecological impacts, increase flood hazards to other uses, and are consistent with other relevant laws.

6. Before new structural flood hazard reduction measures in shoreline jurisdiction can be approved, it must be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not *feasible*, that impacts on *ecological functions* and priority species and habitats can be successfully mitigated so as to assure *no net loss of ecological function*, and that appropriate vegetation conservation actions are undertaken.

C. A project proponent may have a *channel migration zone* study completed by a qualified professional hydrogeologist to be reviewed by the City. If the study demonstrates that the entirety of the development property is outside of the *channel migration zone*, then this section will not further apply to the project.

## Chapter 16.50 SHORELINE USES

Sections:

- 16.50.010 General shoreline uses.
- 16.50.020 Interpretation of shoreline use table.
- 16.50.030 Shoreline use table and conditions.
- 16.50.040 Aquaculture.
- 16.50.050 Boating facilities.
- 16.50.060 Public access.
- 16.50.070 Parks and recreation.
- 16.50.075 Commercial, and light manufacturing and institutional uses.
- 16.50.080 Utility facilities.
- 16.50.085 Transportation uses and facilities.
- 16.50.087 Parking
- 16.50.090 Residential uses.
- 16.50.100 Channel migration zone on Swamp Creek.

### 16.50.010 General shoreline uses.

A. All uses in the shoreline jurisdiction must comply with all City code provisions and with the Kenmore *Shoreline Master Program*. For a principal use to be permitted in the shoreline, it must be a permitted use in the underlying zone, and must be listed as a permitted or conditional use in KMC [16.50.030](#). This section may not authorize a land use that is not allowed by the underlying zoning, but may add restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction.

B. Uses not specifically addressed in [this table KMC 16.50.030](#) may be permitted as conditional uses in the shoreline jurisdiction, provided the use meets the criteria for a shoreline conditional use permit and is compatible with the underlying zoning.

C. When there is a conflict between permitted land uses, preference for shoreline uses shall first be given to *water-dependent uses*, then to *water-related uses*, then to *water-enjoyment uses*, and finally to *non-water-oriented uses*.



D. KMC Sections 16.50.040 through KMC 16.50.090 provide additional shoreline use requirements for specific uses as identified in the shoreline use table.

### **16.50.020 Interpretation of shoreline use table.**

A. The shoreline use table in KMC [16.50.030](#) indicates whether a specific use is allowed within each of the *shoreline environment designations* and whether it is permitted outright or allowed only as a shoreline conditional use. The process through which a use or development may be permitted is defined under procedures in Chapter [16.75](#) KMC.

B. In the table, *shoreline environment designations* are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific *shoreline environment designation* and whether additional use criteria apply. The table should be interpreted as follows:

1. If the letter “P” appears in the box at the intersection of the column and the row, the use may be permitted within the *shoreline environment designation* if the underlying zoning also allows the use.
2. If the letter “C” appears in the box at the intersection of the column and the row, the use may be allowed within the *shoreline environment designation* subject to the shoreline conditional use review procedures specified in Chapter [16.75](#) KMC, and only if the underlying zoning allows the use.
3. If the letter “X” appears in the box at the intersection of the column and the row, the use is prohibited in that *shoreline environment designation*. These uses may not be authorized through a conditional use, shoreline exemption, or shoreline variance.
4. If the letter “U” appears in the box at the intersection of the column and the row, the use is subject to the same review process and standards as the immediately adjacent upland *shoreline environment designation*.
5. If a number appears after the letter “P,” “C” or “U” in the box at the intersection of the column and the row, additional use criteria apply. The use may be permitted subject to the appropriate review process in this section only if the specific use criteria indicated with the corresponding number immediately following the table are satisfied, and only if the underlying zoning allows the use. If more than one number appears at the intersection of the column and row, both numbers apply.
6. Definitions of italicized uses in the table may be found in Chapter 18.20 KMC.

### **16.50.030 Shoreline use table and conditions.**

A. Shoreline Use Table.

Shoreline Use Table

<b>KEY</b> P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	<b>DOWNTOWN WATERFRONT</b>	<b>SWAMP CREEK COMMERCIAL</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
<i>Adult entertainment business</i>	P2	P2	X	X	X	X
<i>Air transportation service</i>	X	X	X	X	X	C1412
<i>Ambulatory surgery center</i>	X	X	X	X	X	X
<i>Animal kennel/shelter</i>	X	X	X	X	X	X
<i>Arts, entertainment, indoor</i>	P2	P2	X	P2,16	X	X
<i>Arts, entertainment, outdoor</i>	P2	P2	X	P2	P6	X
<i>Auction house</i>	X	X	X	X	X	X
<i>Automotive sales and service, marine</i>	P2	P2	X	X	X	U3
<i>Automotive sales and service, non-marine</i>	X	X	X	X	X	X
<i>Business service, intensive</i>	X	X	X	X	X	X
<i>Business service, standard</i>	P2	P2	X	X	X	X
<i>Cemetery, columbarium or mausoleum</i>	X	X	X	X	X	X
<i>College/university</i>	P3	P3	P3	P3	X	U
<i>Community residential facility</i>	P2	P2	P2	X	X	X
<i>Construction and trade</i>	X	X	X	X	X	X
<i>Day-care</i>	P2	P2	X	X	X	X
<i>Eating and drinking place</i>	P2	P2	X	P2,16	X	X
<i>Educational service</i>	P2	P2	P2	P2	X	X
<i>Family child-care home</i>	X	X	P17	XP17	C17	X
<i>Fire or police facility</i>	P3	P3	P3	C3	X	U
<i>Funeral home/crematory</i>	X	X	X	X	X	X
<i>Health care and social assistance</i>	P2,13	P2,13	X	P2,13	X	X
<i>Hospital</i>	X	X	X	X	X	X
<i>Laboratory</i>	P2	P2	X	X	X	X
<i>Manufacturing, heavy</i>	X	X	X	X	X	X
<i>Manufacturing, light</i>	P2	P2	X	X	X	X
<i>Marijuana business</i>	P2	P2	X	X	X	X
<i>Marijuana cooperative</i>	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Mobile food service	P2	P2	X	P2	X	P3
Manufactured housing community	X	X	C14	X	X	X
Multiple-family dwelling. See also KMC Section 16.50.090.	P217	P217	P17	P217	X	X
Office	P2	P2	X	P2	X	X
Park, non-water-oriented. See also KMC Section 16.50.070.	P4X	P4X	P5X	P5X	P6X	P3X
Park, water-oriented. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P	P	P	P	P6	P3
Personal service	P2	P2	X	P2	X	X
Recreational facility, indoor, commercial. KMC Section 16.50.070 does not apply to this use.	P2	P2	X	P2X	X	X
Recreational facility, outdoor, commercial. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P4,15	P4,15	P5,15	P5,15	P6	P3,4
Regional land use, except for airport and ferry terminal, and highway and street, which are described below. See also KMC Section 16.50.085.	C2,7	C2,7	X	X	X	C3
Airport	C12	X	X	X	X	C12
Ferry terminal	C	X	X	X	X	C
Highway and street, except for in-water uses	C10	C10	C10	C10,12	C10,12	C12
Religious institution	P2	P2	X	X	X	X
Resource land use, except for aquaculture, which is described below:	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Aquaculture.</i> See also KMC Section 16.50.040.	X	X	X	X	X	C1
<i>Retail sales</i>	P2	P2	X	P <del>2</del> <u>16</u>	X	X
<i>Retail sales, bulk</i>	X	P2	X	X	X	X
<i>Secure facility</i>	X	X	X	X	X	X
<i>Single detached dwelling unit.</i> See also KMC <del>16.50.090.</del>	X	X	P <del>17</del>	P <del>17</del>	C <del>17</del>	P <del>8</del>
<i>Standalone parking.</i> See also KMC Section <del>16.50.087.</del>	C <del>11</del>	X <del>C11</del>	X	X <del>C11</del>	X	X
<i>Supportive living facility</i>	P2	P2	P <del>2</del>	X	X	X
<i>Temporary lodging</i>	P2	P2	X	X	X	X
<i>Transportation services.</i> See also KMC Section <del>16.50.085.</del>	C2	C2	X	X	X	X
<i>Transportation facilities</i>	C <del>9</del>	C <del>9</del>	C <del>9</del>	C <del>9</del>	C <del>9</del>	C <del>9</del>
<i>Utility facility.</i> See also KMC Section 16.50.080.	P <del>10</del>	P <del>10</del>	P <del>10</del>	P <del>10</del>	P <del>10</del>	P <del>3</del> <u>10</u>
<i>Vehicle or equipment rental</i>	P <del>3</del> <u>16</u>	X	X	P <del>3</del> <u>16</u>	X	P <del>3</del> <u>16</u>
<i>Vehicle refueling station</i>	P2	P2	X	X	X	C3
<i>Warehousing</i>	X	X	X	X	X	X
<i>Wholesale trade</i>	P2	P2	X	X	X	X

B. Shoreline Use Criteria (Footnotes to Shoreline Use Table in Subsection A of This Section).

1. *Aquaculture* may be allowed only in Lake Washington and only under the following conditions:

a. *Aquaculture* operations are located at least 500 feet from the Shoreline Residential and Downtown Waterfront Environments.

b. *Aquaculture* operations waterward of the Natural Environment and Urban Conservancy Environment are limited to activities that do not require structures, facilities or mechanized harvest practices.

2. Only if consistent with KMC Section 16.50.075, commercial, light manufacturing and institutional uses.

3. Only the *water-dependent* portion of the use shall be allowed in the *shoreline environment*.

4. ~~In the Downtown Waterfront and Swamp Creek Commercial Environments, w~~Water-oriented recreational uses ~~including parks and public access trails and facilities accessible to the public~~ may be allowed together with accessory recreation facilities that provide water enjoyment for substantial numbers of persons. All other commercial outdoor recreational uses shall be prohibited.

5. In Urban Conservancy and Shoreline Residential Environments, parks, trails and boating facilities shall be allowed. Golf course shall be a conditional use in the Urban Conservancy Environment. All other commercial outdoor recreational uses shall be prohibited.

6. In the Natural Environment, only water-oriented passive and low-impact uses, including public access trails, shall be allowed. ~~All other outdoor arts, entertainment or recreational uses shall be prohibited.~~

7. Wastewater treatment facilities and municipal water production uses, except for in-water uses, shall be allowed only on Lake Washington *shorelines* and are prohibited on *shorelines* of the Sammamish River and Swamp Creek.

8. New overwater residences, including *floating homes*, are prohibited except for *live-aboards*. They may be allowed; provided, that:

- a. They are for single-family use only;
- b. They are located in a *marina* that provides shower and toilet facilities on land and there are no sewage discharges to the water;
- c. *Live-aboards* do not exceed 10 percent of the total slips in the *marina*;
- d. They are owner-occupied vessels; and
- e. There are on-shore support services in proximity to the *live-aboards*.

9. . Only if consistent with KMC Section 16.50.085, transportation facilities.

10. *Utility facilities* may be located within the shoreline jurisdiction if there is no *feasible* alternate location, the alternative would result in unreasonable and disproportionate cost, or the facility is necessary to serve adjacent shoreline uses. In no case are propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users permitted.

11. Commuter parking only, and only if it is designed to serve a passenger ferry system or regional transit. The use must meet the standards in KMC 16.45.040.

12. Helistops and heliports are prohibited in all environments.

13. Veterinary clinics are prohibited in the shoreline environment.

14. Except for *manufactured housing communities* existing as of insert effective date of ordinance, which are permitted outright.

15. *Marinas* are prohibited on *shorelines* of the Sammamish River and Swamp Creek.

16. Only when accessory to a *park* or *recreational facility* and related to water access or to water enjoyment for substantial numbers of persons for the public.

17. Only if consistent with KMC Section 16.50.090, residential uses.

### **16.50.040 Aquaculture.**

A. Any structure used for *aquaculture* that is placed waterward of the *ordinary high-water mark* shall be placed so as not to:

1. Be a significant hazard to navigation;
2. Cause significant damage to neighboring properties;
3. Be a significant hazard to divers and boaters who may frequent the area.

B. Any byproducts of the aquatic resources facility which are discharged into the water shall not degrade the quality of the recipient water body.

C. *Aquaculture* shall be installed with minimum disturbance to banks and channels and shall not cause extensive erosion or accretion along adjacent *shorelines*.

D. *Aquaculture* facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

### **16.50.050 Boating facilities.**

*Boating facilities* shall meet the following standards:

A. The facility shall be designed and operated so that there is *no net loss* of *ecological function* in the shoreline;

B. The streets serving the proposed facility must be adequate to accommodate traffic generated by such a facility safely and conveniently;

C. The facility shall provide adequate parking in accordance with underlying zoning requirements. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas;

D. All *boating facilities* shall be sited and designed to protect rights of navigation;

E. A *marina* must have provisions available for cleanup of accidental spills of contaminants;

F. Lavatory facilities connected to a sanitary sewer and adequate to serve the *marina* shall be provided;

G. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at *marinas* having in excess of 3,500 lineal feet of moorage or slips large enough to accommodate boats larger than 20 feet in length, and shall be located so as to be conveniently available to all boats. An appropriate disposal facility for removal of bilge wastes shall be either a vacuum apparatus, or oil-absorbent materials and waste receptacles;

H. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored;

I. *Public access* shall be provided in accordance with KMC [16.50.06045.050](#);

J. The design shall be compatible with adjacent development;

K. Covered moorage may only be permitted for vessel repair facilities; and

L. Extended moorage on waters of the State without a lease or permission is prohibited.

## 16.50.070 Parks and **commercial outdoor** recreation.

A. **Permitted r**~~Recreational development~~ in all environments must meet the following standards:

~~1e. Recreational development~~ allowed in shoreline jurisdiction should be primarily related to water access or to enjoyment of the water by substantial numbers of persons. ~~To the extent feasible, Non-water-oriented park and commercial outdoor recreational uses and modifications should be located outside of shoreline jurisdiction or, if accessory to a water-oriented recreational development, upland of water-oriented uses and modifications if a location outside of shoreline jurisdiction is not feasible.~~ **(RELOCATED FROM 16.65.020.B.3.c)**

~~2. Parks and commercial outdoor recreation facilities shall be located, designed and operated in a manner consistent with the purpose of the shoreline environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.~~

~~3f. Vehicular access, parking and restrooms should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is feasible.~~

~~4g. Removal of native vegetation for recreational development and uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline;~~

B. ~~Water-dependent and water-related R~~ Recreational development in all **shoreline** environments must meet the following standards:

1. The construction of *water access structures* waterward of the *ordinary high-water mark* shall be governed by the regulations relating to *water access structure* construction in KMC [16.55.050](#).

2. Swimming areas shall be separated from *boat launch* areas and *marinas*, to the maximum extent practical, consistent with KMC 16.55.050.C.

3. New or expanded swimming facilities shall only be permitted if there is an ongoing water quality testing program guided by a monitoring plan approved by the *city manager* to ensure public safety.

### C. **Public access** ~~Trails~~

~~41. Public access trails within the shoreline buffers shall be regulated by the provisions of KMC 16.50.060 and Chapter 18.55 KMC.~~

~~2. Trails should shall be designed primarily for non-motorized use pedestrian access, including access by wheelchair where appropriate, and should be no wider than is necessary to accommodate expected pedestrian traffic.~~

D. Allowances for *water-oriented park and commercial outdoor recreational facilities in shoreline buffers*. In recognition of the existing conditions of current and planned City shoreline *parks* and public or **publicly accessible private commercial outdoor recreational facilities**, the following standards shall guide new *development* and redevelopment of *water-oriented park and outdoor recreational facilities* in **shoreline 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 standards~~ below: **(RELOCATED FROM 16.65.020.B)**

1. *Water-dependent park and commercial outdoor recreation facilities, such as water-access structures and swimming beaches, are allowed in buffers consistent with KMC 16.65.020.C.1.*

2a. ~~In addition to trails and water dependent developments, such as water access structures, the following list of Certain uses and modifications may be allowed within buffers if they support water-oriented parks and commercial outdoor recreation facilities and demonstrate consistency with 3b through 5f 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 definition of water-oriented in KMC 16.10.610 City's public access plan as identified in KMC 16.50.060.~~

~~(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).~~

3b. New or expanded *water-oriented development and facilities that support water-enjoyment* shall follow mitigation sequencing to protect existing riparian areas and other *critical areas*. Unavoidable impacts shall be mitigated consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is *no net loss* of shoreline ecological processes or functions.

4d. If parking improvements supporting *water-oriented parks and commercial outdoor recreation facilities* cannot comply with KMC 16.50.08745.040, 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.*

5e. New and expanded *public access and recreation uses recreational development* 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.

#### **(RELOCATED FROM 16.65.020.B)**

EB. In the Natural Environment, *recreational uses development* shall meet the following standards:

12. Trails ~~should~~shall be designed primarily for pedestrian access, including access by wheelchair where appropriate, and should be no wider than is necessary to accommodate expected pedestrian traffic;

23. Removal of native vegetation for recreational uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline; ~~and~~

34. Public contact with unique and fragile areas shall be permitted where possible without destroying the natural character of the area.; ~~and~~



~~5. Viewing, studying, and recording water and nature may be accommodated by platforms, benches or shelters, consistent with public safety and security.~~

### **16.50.075 Commercial, and light manufacturing and institutional uses.**

**A.** *Water-dependent and water-related commercial, light manufacturing and institutional uses* shall be permitted subject to the applicable requirements and conditions of KMC 16.50.030.A and B. *Non-water-dependent and non-water-related uses* shall be permitted only if the use meets the standards of subsections (1) and (2), below: **(RELOCATED FROM 16.50.030.B.2)**

1. The development use is:

(a) Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use* or *water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), dedicated *public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or

(b) A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current stream shoreline buffer provisions of KMC ~~Chapter 18.55~~ **16.65.020** and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or

(c) on a site physically separated from the shoreline by another property or public right of way; or

(d) at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.

~~b. The *non-water-oriented uses* are located on land unless otherwise authorized in 16.50.075; and~~

2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

(a) Economic development for uses that are *water-dependent*;

(b) *Public access* beyond that required by KMC Section 16.45.050;

(c) *Water-oriented* recreation;

(d) Multimodal, *water-dependent* transportation circulation;

(e) Conservation or *restoration* of *critical areas*, scenic vistas, or fish and wildlife habitat; or

(f) Preservation of historic properties;

**B.** Existing *non-water-dependent uses* may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

**C.** Commercial, ~~or~~ *light manufacturing or institutional* development proposals shall be designed or conditioned to ensure *no net loss* of shoreline *ecological functions*, and no significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and *public access*.

D. Non-water-dependent commercial, ~~or light manufacturing~~ or institutional uses should not be allowed over water except in existing structures or in the limited instances where they are accessory to and necessary in support of water-dependent uses.

### 16.50.080 Utility facilities.

The following standards apply to utility uses within the *shoreline environment*.

A. Stormwater and sewage outfalls may be permitted in *shoreline environments* if upland treatment and infiltration to groundwater, streams or *wetlands* is not *feasible* per WAC [173-26-020](#) and there is no long-term adverse impact on salmon spawning, rearing or migration habitat;

B. Water intakes shall not be permitted near fish spawning, migration, or rearing areas;

C. Water intakes shall comply with Washington Department of Fish and Wildlife fish screening criteria, and to the maximum extent practical, intakes shall be placed at least 30 feet waterward of the *ordinary high-water mark*;

D. Cable crossings for telecommunications and power lines and pipelines for oil, gas, water and other utilities shall:

1. Use the best available technology to protect health, safety, and the environment;
2. Be routed through sites that are already free of vegetation, such as existing roadways, or attached to existing bridges, to the greatest extent *feasible*;
3. Avoid critical aquatic habitat to the greatest extent *feasible*;
4. If crossing beneath a streambed, utilities shall be designed to avoid streambed mobilization and adverse impacts on groundwater flow, be placed in a sleeve or conduit that allows replacement without need for additional excavation, and return grades to existing or better condition that provides for normal floodwater flow; and
5. Provide mitigation for impacts to shoreline *ecological functions*.

### 16.50.085 Transportation ~~uses and~~ facilities.

A. New highway and street construction is allowed ~~in the shoreline environment~~ only if:

- a1. There is no *feasible* alternate location;
- b2. Pedestrian, bicycle and public transport needs are addressed; and
- e3. When located in the Natural Environment, the use is low-intensity transportation infrastructure.  
**(RELOCATED FROM 16.50.030.B.10)**

B. Highway and street infrastructure that must be located in water or over water, such as bridges and bridge supports, may be permitted; provided, that the priorities of the Kenmore shoreline *restoration* plan are considered in designing mitigation for impacts from the project. **(RELOCATED FROM 16.50.030.B.12)**

~~A. Non-water-dependent transportation uses shall be located as far landward as possible.~~

EC. Transportation facilities shall employ mitigation sequencing specified in Chapter [18.55](#) KMC to avoid and mitigate for impacts to *critical areas*.

**BD.** Bridges, when necessary, should span open water and *floodways*.

**CE.** Roadways and bridges should be designed to avoid placement of *fill* or structures that would restrict *floodplain* capacity or limit channel migration.

**DF.** Construction of private bridges should be minimized, and shared access should be required whenever *feasible*, including when subdivision would create new lots requiring access by bridge.

**FG.** Expansion of existing highways and streets in the *shoreline jurisdiction* shall be permitted **without a conditional use permit** only if the following criteria are met:

1. The expansion is included in the Transportation Element of the Comprehensive Plan, Neighborhood Transportation Plan, Transportation Improvement Program, ADA Compliance Plan, or Target Zero strategy implementation.
2. The expansion does not require acquisition of private property that was unanticipated in the plans under **a1.**, above.
3. The expansion is located within existing rights-of-way or other City-managed land.
4. Alteration and/or *fill* is the minimum necessary to construct such facilities to meet established safety standards and all applicable SMP standards can be met.
5. Disturbed areas are restored immediately after the use of construction equipment.

If these criteria cannot be satisfied, expansion may only be permitted after approval of a conditional use permit.

### **16.50.090 Residential uses.**

**A. Multiple-family dwellings shall be permitted in the Downtown Waterfront, Swamp Creek Commercial and Urban Conservancy Environments only if the use meets the standards of subsections (1) and (2), below: (RELOCATED FROM 16.50.030.B.2)**

**1. The use is:**

**(a) Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use* or *water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), *dedicated public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or**

**(b) A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current *shoreline buffer* provisions of KMC 16.65.020 and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or**

**(c) on a site physically separated from the shoreline by another property or public right of way; or**

**(d) at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.**

2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

(a) Economic development for uses that are *water-dependent*;

(b) *Public access* beyond that required by KMC 16.45.050;

(c) *Water-oriented recreation*;

(d) Multimodal, *water-dependent* transportation circulation;

(e) Conservation or *restoration of critical areas, scenic vistas, or fish and wildlife habitat*; or

(f) Preservation of historic properties;

Existing *multiple-family dwellings* may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

B. Residential *accessory uses* must meet the following standards:

1. Non-*water-dependent accessory structures* other than below-grade swimming pools shall be limited to a 150-square-foot footprint.

2. Below-grade swimming pools shall be sited and designed so that they do not adversely affect the flow of groundwater or endanger unstable slopes.

3. *Accessory structures* shall be sited to preserve visual access to the shoreline from adjacent properties and public rights-of-way to the maximum extent practical.

4. Non-*water-dependent accessory structures* and facilities such as sheds, gazebos, swimming pools, and driveways shall not be located in vegetation conservation areas described in Chapter [16.60](#) KMC.

5. Foot ramps, stairs, and paths to provide pedestrian access to a *dock, pier, boat launch*, or beach may be allowed in the vegetation conservation areas described in Chapter [16.60](#) KMC, but shall be limited to a maximum width of 5' and shall avoid native vegetation removal to the maximum extent practicable.

### **16.55.050 Water access structures.**

A. All *water access structures*, including *docks, piers, moorage buoys, floats* or launching facilities authorized by this chapter shall comply with the following general standards:

1. Any *water access structure* authorized by this chapter shall not interfere with navigation.

2. Existing habitat features (e.g., large and small woody debris, spawning gravel, etc.) shall be retained to the maximum extent practicable and new or expanded *water access structures* placed to avoid disturbance of such features. Mitigation is required where habitat features cannot be avoided or when habitat features are removed to address navigation or access requirements.

3. Invasive aquatic weeds may be removed by mechanical or manual methods, or controlled with herbicides provided that the chemicals are applied by a licensed applicator and approved for aquatic use.

4. In order to mitigate the impacts of new or expanded *water access structures*, the *applicant* shall develop a mitigation plan that contains one or more of the following measures as necessary to demonstrate *no net loss of ecological functions*:
  - a. Removal of any additional existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed.
  - b. Planting of native vegetation along the shoreline immediately landward of the *ordinary high-water mark* consisting of trees and/or shrubs native to Puget Sound lowlands.
  - c. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural *shoreline stabilization*. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.
  - d. Removal of man-made debris or other material waterward of the *ordinary high-water mark* that is detrimental to *ecological functions* and *ecosystem-wide processes*.
  - e. Participation in an approved mitigation banking or in-lieu-fee program.
5. No *water access structure* waterward of the *ordinary high-water mark*, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in *height* measured from the *ordinary high-water mark*.
6. No covered *water access structure* is permitted waterward of the *ordinary high-water mark*, except as provided below:
  - a. Submerged, free-standing mechanical boat lifts associated with single detached residential *docks* or *piers* and recreational watercraft may be covered with a canopy, provided:
    - (1) No canopy shall be more than 25 feet in length or wider than 15 feet;
    - (2) No portion of the canopy shall exceed a *height* of 12 feet above the *ordinary high-water mark*;
    - (3) The canopy shall at no time have any side partly or wholly enclosed;
    - (4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;
    - (5) Canopies shall be made out of nontoxic materials that allow light transmission;
    - (6) The total overwater coverage of the *piers*, *floats*, *ramps*, *ells*, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and
    - (7) Only one boat lift canopy per single detached residence shall be allowed.
  - b. Covered moorage may be provided for commercial boat repair facilities. *Applicants* shall submit information demonstrating that the covered area is the minimum necessary to serve the proposed use.
7. Proposals to repair or replace existing legally established *water access structures* in the existing configuration and footprint are allowed, provided the following requirements are met, as applicable:

- a. Materials used for *pier* and *dock* repairs shall meet the requirements established in subsection B of this section;
- b. Any decking that is replaced shall be grated with material that has at least 40 percent open space to allow for light transmission, except on sections of *floats* where the decking overlays a float tub;
- c. Any piles that are replaced shall be the minimum diameter and at the maximum spacing *feasible* to support the *pier* or *dock* configuration; and
- d. *Pier* projects which replace 75 percent or more of the *pier* support piles shall be reviewed as new *piers* which must comply with all standards in this chapter.

8. No dwelling unit may be constructed on a *dock* or *pier*.

B. Any *pier*, *dock*, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	<ul style="list-style-type: none"> <li>• No skirting is allowed on any structure.</li> <li>• When steel piles are installed, approved sound attenuation measures must be used.</li> <li>• Only one <i>dock</i> or <i>pier</i> may be permitted for each parcel developed with a single detached residential unit and only if the <i>applicant</i> demonstrates there is no other <i>feasible</i> option for shared use facilities.</li> <li>• Only joint-use <i>docks</i> or <i>piers</i> are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a <i>dock</i> or <i>pier</i>.</li> <li>• Only joint use boat lifts, <i>docks</i>, <i>piers</i>, moorage buoys, <i>floats</i> or launching facilities may be permitted for <i>multiple-family dwelling</i> unit development proposals.</li> <li>• <i>Docks</i>, or <i>piers</i> serving <i>boating facilities</i> must also meet the standards in KMC 16.50.050.</li> <li>• All float tubs shall be fully encapsulated.</li> <li>• <del>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.</del></li> </ul>	
Maximum Area: surface coverage of over-water structures, including any <i>ramps</i> and <i>floats</i>	<ul style="list-style-type: none"> <li>• <i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed</li> <li>• 480 sq. ft. for single residential unit</li> <li>• 700 sq. ft. for joint-use facility used by 2 residential units</li> <li>• 1,000 sq. ft. for joint-use facility used by 3 or more residential units</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed</li> <li>• 120 sq. ft. for single residential unit</li> <li>• 240 sq. ft. for joint-use facility used by 2 residential units</li> <li>• 360 sq. ft. for joint-use facility used by 3 residential units</li> <li>• 480 sq. ft. for joint-use facility used by 4 residential units</li> </ul>
Maximum Width	Residential <ul style="list-style-type: none"> <li>• 4 ft. for <i>pier</i> or <i>dock</i></li> <li>• 4 ft. for <i>ramp</i></li> <li>• 6 ft. for <i>ell</i> and <i>float</i></li> </ul> Public or Commercial <ul style="list-style-type: none"> <li>• 4 ft. for main walkway. If project-specific justification of need is provided, the width</li> </ul>	Residential <ul style="list-style-type: none"> <li>• 4 ft. for <i>ramp</i></li> <li>• 6 ft. for <i>float</i></li> </ul> Public or Commercial <ul style="list-style-type: none"> <li>• 5 ft. for <i>ramp</i></li> <li>• 6 ft. for <i>float</i></li> </ul>

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	<p>may be increased to 6 ft. without a variance.</p> <ul style="list-style-type: none"> <li>• 5 ft. for perpendicular fingers or <i>ells</i></li> <li>• 5 ft. for <i>ramp</i>, including railings (travel width is effectively 4 ft.)</li> <li>• 8 ft. for <i>ell</i> and <i>float</i>.</li> </ul>	
Maximum Length	<ul style="list-style-type: none"> <li>• 26 ft. for <i>ells</i></li> <li>• 20 ft. for <i>floats</i></li> <li>• In no case may any moorage facility extend more than 150 feet waterward of the <i>ordinary high-water mark</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• 20 ft. per <i>float</i> per residential unit, and laid end-to-end. The maximum length is thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3 and 4 residential units, respectively. <i>Floats</i> may be perpendicular to shore only within existing embayments off of the main river channel.</li> <li>• Public or commercial <i>docks</i> should be no longer than 80 feet unless project-specific justification of need is provided.</li> <li>• <i>Ramps</i> shall be the minimum length necessary to provide safe access to the <i>float</i> and to position the <i>float</i> so that the <i>float</i> and a moored boat would not ground on the substrate or disturb the substrate by boat propeller action.</li> </ul>
Decking and Material Standards	<ul style="list-style-type: none"> <li>• <i>Ramps</i> and <i>piers</i>, including <i>ells</i> and perpendicular fingers, shall be fully grated.</li> <li>• <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.</li> <li>• <i>Ramps</i> shall be fully grated.</li> </ul>
	<ul style="list-style-type: none"> <li>• The grating must be either multi-directional grating with a minimum of 40% open space or rectangular grating with a minimum of 60% open space. Provide documentation to show percent of open area.</li> </ul>	
Location	<ul style="list-style-type: none"> <li>• The only structures permitted in the first 30 feet waterward of the <i>ordinary high-water mark</i> are <i>piers</i> and <i>ramps</i>.</li> <li>• All <i>floats</i> and <i>ells</i> must be at least 30 feet waterward of the <i>ordinary high-water mark</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Floats</i> shall be located no less than 5 feet and no more than 10 feet from the <i>ordinary high-water mark</i> measured from the landward edge of the <i>float</i>. To avoid interfering with river navigation and public use of the water, private moorage facilities may extend no farther waterward than one-third the width of the river in the location of the proposed structure.</li> <li>• The <i>city manager</i> may allow <i>floats</i> to be positioned up to an additional 10 feet waterward from the <i>ordinary high-water mark</i> as needed to reach a sufficient boat moorage depth (greater than 3 feet).</li> <li>• <i>Floats</i> shall be located as far as <i>feasible</i> from the mouth of any named or</li> </ul>

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
		numbered tributary entering the Sammamish River to reduce potential conflict with migrating salmon.
Piles	<ul style="list-style-type: none"> <li>The first (nearest shore) piling shall be steel, 4-inch-diameter or the smallest diameter necessary to serve the specific structure as demonstrated by an engineer, and at least 18 feet waterward of the <i>ordinary high-water mark</i>.</li> <li>Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter unless required per project-specific engineering analysis.</li> </ul>	<ul style="list-style-type: none"> <li>No more than two anchor piles shall be allowed per private moorage facility (joint-use, public or commercial facilities may have two piles per 20 feet of <i>float</i> length, but the number of piling for such facilities shall be the minimum number given site-specific engineering and design considerations).</li> <li>Anchor piles shall be the minimum size <i>feasible</i> given site-specific engineering and design considerations and shall not exceed 12 inches in diameter unless a larger size allows for a reduced number of piles.</li> </ul>
Materials	<ul style="list-style-type: none"> <li>Any paint, stain or preservative applied to components of the overwater structure must be leach-resistant, completely dried or cured prior to installation.</li> <li>Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas.</li> <li>If ACZA-treated pilings are proposed, the <i>applicant</i> will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers Institute.</li> </ul>	
Floatplane lifts	<ul style="list-style-type: none"> <li>The deck of the lift shall be fully grated and shall be the minimum size necessary.</li> </ul> <p>The following two standards do not apply to a regional land use such as Kenmore Air Harbor, but do apply to lifts associated with all other uses:</p> <ul style="list-style-type: none"> <li>One platform lift serving a floatplane is allowed per lot.</li> <li>Floatplanes may not be stored in the <i>shoreline buffer</i>.</li> </ul>	<ul style="list-style-type: none"> <li>Prohibited</li> </ul>
Watercraft lifts	<ul style="list-style-type: none"> <li>One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit.</li> <li>Additional watercraft lifts, without a canopy, at a single residential use waterfront structure are allowed, not to exceed three and only two can be ground-based; all other lift(s) must be floating or suspended lift(s).</li> </ul>	<ul style="list-style-type: none"> <li>One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit OR 2 jet ski lifts or 1 fully grated platform lift is allowed, per detached dwelling unit</li> <li>Boatlifts shall be located on the waterward, upstream or downstream sides of the <i>dock</i>, not on the landward side of the <i>dock</i>.</li> </ul>
Mooring Buoys	<ul style="list-style-type: none"> <li>No more than one (1) mooring buoy is permitted per detached dwelling unit, in lieu of a <i>dock</i> or <i>pier</i>.</li> <li>Mooring buoys shall not interfere with navigation.</li> <li>The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or <i>float</i> structures.</li> </ul>	



Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	<ul style="list-style-type: none"> <li>• Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat.</li> <li>• No more than four buoys per acre of surface water are allowed.</li> <li>• Use of helical anchors with a midline float to prevent dragging on the river or lake bottom is the preferred method to secure buoys.</li> </ul>	

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

1. Location Standards

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

2. Size – The *applicant* shall demonstrate that the proposed size of the *boat launch* is the minimum width and length below the *ordinary high-water mark* necessary to safely launch the intended craft.

3. Design Standards

- a. Soft-surface *boat launches* shall be constructed of gravel, vegetation-stabilized earth, or other similar natural material. When only vegetation, and not the ground surface or lake and river substrates, is modified to allow for hand-launch of nonmotorized watercraft, that modification is not considered a *boat launch* subject to these regulations.
- b. Hard-surface *boat launch* designs, in order of preference, are:
  - (1) Open grid with minimum coverage of substrate.
  - (2) Seasonal ramps that can be removed and stored upland.
  - (3) Structures with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in shoreline profile.

4. Public or commercial *boat launches* shall provide trailer spaces, at least 10 feet by 40 feet, commensurate with projected demand.

~~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.

### **16.60.010 Vegetation conservation areas.**

A. *Shoreline buffers* shall be considered vegetation conservation areas in which existing native vegetation is retained, except in the following circumstances and when mitigation sequencing is demonstrated:

1. The activity is part of a permitted shoreline *restoration* or enhancement project;
2. The activity is an allowed *water-dependent* or *water-enjoyment use* or modification;
3. The activity implements a *public access* or recreation maintenance plan; or
4. The vegetation removal is otherwise specifically allowed under Chapter [16.50](#), [16.55](#), or [18.55](#) KMC.

Vegetation clearing shall occur only in the minimum shoreline area that is necessary to support the permitted use and shall be mitigated. Nonnative vegetation may be retained unless otherwise required to be replaced as part of an enhancement associated with *development* or expansion of development on the property.

B. The vegetation management standards established in KMC Chapter 18.55 for *critical areas* and their buffers shall apply within all *shorelines*.

C. Retention of forest communities along stream and river channels provides shade and a source of woody debris to the aquatic habitat. Only trees determined by the City to be hazardous or diseased may be removed, unless authorized under subsection A of this section. Selective pruning for safety and view protection is allowed, provided pruning is conducted in a manner that minimizes harm to the health of the trees being pruned.

D. Nonnative vegetation may be removed as part of a *restoration* or enhancement project if replacement plantings will provide greater benefit to shoreline ecological processes than would be provided by strict application of this chapter.

E. Landscaping plans for *shoreline buffers* associated with shoreline development regulated under the shoreline code must be prepared by a qualified professional with experience developing native lake- or riverfront landscaping plans. Landscaping plans are not required for normal maintenance, including maintenance of existing nonconforming landscaping that complies with KMC [16.75.050](#).

F. Landscaping plans for *shoreline buffers* should avoid adverse impacts on existing public views of the shoreline.

G. Vegetation management in *shorelines* shall be consistent with the requirements for *grading* permits under Chapter [15.25](#) KMC. If there is a conflict between this chapter and Chapter [15.25](#) KMC, the more restrictive standards shall apply.

H. When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer or shoreline setback or a non-*water-dependent use* is requested, the enhancement should:

1. Be proportional to the degree of impact of the new structure and associated alterations on shoreline *ecological functions*. For example, an approved buffer or setback reduction should be compensated with an equivalent area of native vegetation enhancement, including trees along the water's edge, when *feasible*;
2. Take into account the degree to which the existing buffer has already been compromised;
3. Offset changes in surface water runoff rates and water quality (such as through increased impervious area), habitat structure (such as loss or alteration of vegetation), and habitat quality (such as from lighting, noise or activities) that are a result of the project; and
4. Focus on restoring *ecological functions* that are most critical and that have been most diminished in the Kenmore shoreline.

Enhancements may also focus on restoring other critical *ecological functions* in the shoreline that have been lost or diminished over time (such as placement of large woody debris in water or restoring shallow water habitat) at a sub-basin or watershed scale. The *city manager* may determine whether an enhancement that provides a broader ecological benefit may be substituted for one that would offset the impacts of an individual project.

The *city manager* may deny a request to allow intrusion into a buffer or for *development* of a non-water-dependent use if the enhancement proposed does not fully mitigate the impacts of the project or provide a sufficient broader ecological benefit.

### 16.65.020 Shoreline density and dimensions table and development conditions.

#### A. Shoreline Density and Dimensions Table.

Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
	<b>Standards</b>					
	<b>Shoreline Buffers from OHWM on Lake Washington</b>					
Residential development <sup>1</sup> Single-family Other	NA 50 ft	NA NA	25 ft 75 ft	115 ft 115 ft	150 ft NA	–
<i>Water-oriented parks and outdoor recreational facilities</i>	20 ft (3)	NA	25 ft (3)	75 ft (3)	150 ft (3)	–
<i>Non-water-oriented parks and outdoor recreational facilities</i>	50 ft (1)	NA	75 ft	115-100ft	150 ft	–
<i>Other water-oriented uses</i>	20 ft	NA	100 ft	150 ft	150 ft	–
<i>All other non-water-oriented uses</i>	50 ft (1)	NA	150 ft	150 ft	150 ft	–

**Shoreline Density and Dimensions Table**

	<b>DOWNTOWN WATERFRONT</b>	<b>SWAMP CREEK COMMERCIAL</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
<b>Shoreline Buffers from OHWM on the Sammamish River</b>						
Residential development <sup>1</sup>	75 ft	NA	Reach <sup>2</sup> : B1 - 150 ft B2 - 100 ft B3 - (4) B4 - <b>75</b> (6)	150 ft	150 ft	<b>II</b>
<i>Water-oriented parks and outdoor recreational facilities</i>	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	-
<i>Non-water-oriented parks and outdoor recreational facilities</i>	100 ft	NA	<b>150</b> ft	<b>150</b> ft	150 ft	-
<i>Other water-oriented uses</i>	75 ft	NA	50 ft	100 ft	150 ft	-
<i>All other non-water-oriented uses</i>	100 ft	NA	150 ft	150 ft	150 ft	-
<b>Shoreline Buffers from OHWM on Swamp Creek</b>						
Residential development <sup>1</sup>	NA	60 ft	50 ft	150 ft	150 ft	--
<i>Water-oriented parks and outdoor recreational facilities</i>	NA	50 ft (3)	50 ft (3)	100 ft (3)	150 ft (3)	--
<i>Non-water-oriented parks and outdoor recreational facilities</i>	NA	60 ft	75 ft	<b>150</b> ft	150 ft	--
<i>Other water-oriented uses</i>	NA	50 ft	50 ft	100 ft	150 ft	--
<i>All other non-water-oriented uses</i>	NA	60 ft	150 ft	150 ft	150 ft	--
<b>Building Setback from the Shoreline Buffer (2)</b>						
<b>All uses</b> Single-family uses	<b>15 ft (2)</b>	<b>15 ft (2)</b>	<b>15 ft (2)</b>	<b>15 ft (2)</b>	<b>15 ft (2)</b>	<b>-</b>
<b>Lake Washington</b>	<b>15 ft</b>	<b>-</b>	<b>25 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>Z</b>
<b>Sammamish River/Swamp Creek</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>Z</b>
<b>All other uses</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>15 ft</b>	<b>Z</b>
<b>Building Height</b>						
Base height	35 ft	35 ft	35 ft	35 ft	30 ft	35 ft
Additional height allowed when permitted in underlying zoning	Yes (5)	Yes (5)	Yes (5)	No	No	No

<sup>1</sup>Residential development means *community residential facility, family child-care home, manufactured housing community, multiple-family dwelling, single detached dwelling unit, supportive living facility, and temporary lodging.*

<sup>2</sup>Sammamish River reaches are shown on Map 1, Shoreline Environment Designations.

B. Development Conditions (Footnotes to Shoreline Density and Dimensions Table in Subsection A of This Section).

1. The buffer associated with *water-oriented uses* may be applied to *non-water-oriented uses* along the inner harbor portion of the Downtown Waterfront area at the northeast end of Lake Washington, only if:
  - a. The uses are developed in conjunction with a *public access* promenade adjacent to the water; and
  - b. The uses do not interfere with *public access* or preclude the use of the shoreline for *water-dependent uses*; and
  - c. Mitigation is provided consistent with the requirements in KMC [18.55.190](#) through [18.55.220](#), [18.55.330](#) and [18.55.430](#) such that there is *no net loss* of shoreline ecological processes or functions.
2. Building setbacks may be reduced to five feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC [16.60.010\(H\)](#).
3. Public trails in *critical areas* and shoreline and critical area buffers are specifically addressed in Chapter 18.55 KMC. Other allowances for *water-oriented parks* and *outdoor recreational facilities* in *shoreline buffers* are addressed in KMC 16.50.070.D.
4. The *shoreline buffer* for residential development in the area designated on Map 1, Shoreline Environment Designations, as Reach B-3 shall be as follows:
  - a. On lots with an average depth of less than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be 25 feet.
  - b. On lots with an average depth of greater than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be the lesser of 50 feet or 30 percent of the average lot depth.
5. Additional *height* may be permitted in the Downtown Waterfront, Shoreline Residential and Swamp Creek Commercial environments under the following conditions:
  - a. The structures would not obstruct the view of a substantial number of residences; and
  - b. The structures are located in an area designated on Map 1, Shoreline Environment Designations (attached to Ord. 19-0490 as Exhibit 2, and incorporated by reference), as allowing these additional *heights*; and
  - c. The structure *height* complies with the allowable *height* of the underlying zone and the following additional *height* limits within the shoreline; and
  - d. The additional *height* of the structures would not impair the *ecological functions* of the stream, lake, *wetland*, or the required buffer. In particular, the effects of shading and light impacts on the viability of vegetation in the buffer shall be considered when making this determination; and
  - e. The structures are outside of the *floodway* in effect at the time of permit application; and
  - f. The structures would not be within a *wetland* or *wetland* buffer as regulated by Chapter [18.55](#) KMC.

**Additional Height Allowances**

Distance from Structure to Ordinary High-Water Mark	Maximum Height Allowed Area H-1	Maximum Height Allowed Area H-2	Maximum Height Allowed Areas H-3 and H-4
Less than 50 feet	35 feet	35 feet	35 feet
50 to 100 feet	50 feet	45 feet	35 feet
100 to 112.5 feet	50 feet	75 feet	35 feet
112.5 to 200 feet	50 feet	75 feet	65 feet

The burden to demonstrate that the proposal meets the criteria of this section is on the *applicant*. The *city manager* may require technical studies as necessary to demonstrate compliance.

6. **The A** shoreline buffer of 15 feet applies to the existing *manufactured housing communities*. **A** **The** 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 (1) a buffer enhancement plan, consistent with KMC 16.60.010.H and applicable provisions of Chapter 18.55 KMC, and (2) a *public access* plan, consistent with KMC 16.50.060.

C. Additional Shoreline Buffer Standards.

1. New *water-dependent uses* may be allowed within a *shoreline buffer* if the use is allowed per KMC 16.50.020 and if impacts are mitigated consistent with the requirements in KMC Chapter 18.55 such that there is *no net loss* of shoreline ecological processes or functions.

2. Underground utilities are allowed in the *shoreline buffer*.

**Proposed Plan Amendments to Address Ecology Required  
And Recommended Changes (amended sections only)**

**23.9. Recreation**

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Recreational development should be given priority and is to be primarily related to access to and enjoyment and use of the water and shorelines of the state.

Policy LU-23.9.1      Recreational development is allowed in the shoreline jurisdiction and must be consistent with the purposes of the shoreline environment designation in which the property is located.

Policy LU-23.9.2      Kenmore shall plan to provide public recreational uses on city-owned shoreline, consistent with the goals of this chapter.

Policy LU-23.9.3      Recreational improvements and new facilities should be constructed so that they preserve the natural character of the shoreline.

Policy LU-23.9.4      All recreational developments should be sited to enhance and protect existing shoreline ecological processes and functions.

- Policy LU-23.9.5 The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.
- Policy LU-23.9.6 Public recreational shoreline areas should serve as emergency refuge areas for boaters.
- Policy LU-23.9.7 Visual access to the water should be pursued on steep slopes, at view points from bluffs and stream valleys, and in general where it is consistent with public safety and where extensive flood or erosion protection would not be necessary.
- Policy LU-23.9.8 The acquisition of public easements to the shoreline should be encouraged.
- Policy LU-23.9.9 Setbacks should be established for recreational development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.
- Policy LU-23.9.11 Where possible during park master plan development or redevelopment, consideration Kenmore should be given to restore shoreline ecological function, including by revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.
- Policy LU-23.9.10 Prime fishing areas should be given priority and protected for recreational use.
- Policy LU-23.9.11 Boating activities that increase shore erosion should be discouraged.
- Policy LU-23.9.12 Effective interpretation should be provided to raise the quality of visitor experiences and to provide an understanding of the resource.