

## **SHORELINE SUB-ELEMENT**

### **SHORELINE PURPOSE, INTENT AND PRINCIPLES**

#### **INTRODUCTION**

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The primary responsibility for administering the SMA is assigned to local governments through local shoreline master programs, adopted under guidelines established by Ecology. The guidelines (WAC 173-26) establish goals and policies that provide a framework for development standards and use regulations in the shoreline. The State legislature established new guidelines in 2003 requiring all cities and counties to update shoreline policies and regulations. The new shoreline guidelines set a higher level of environmental protection for shorelines in the state and a goal of "no net loss" of shoreline function. Local SMPs are to be based on these State guidelines and tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be managed over time.

Kenmore adopted King County's original 1978 SMP when the City incorporated in 1998. This Shoreline Master Program update was drafted to meet State guidelines and develop a program that is more tailored to the City's current shoreline conditions and land use plans.

#### **EXISTING CONDITIONS**

The existing conditions of Kenmore's shorelines were evaluated in the Shoreline Inventory and Analysis (2008). That evaluation included a description of ecosystem and watershed processes, the physical environment and water quality of each water body, biological resources, cultural resources, land use and public access.

#### **SHORELINE MANAGEMENT PURPOSE AND INTENT**

These policies briefly define the overall purpose and intent of Kenmore's Shoreline Master Program and reference the City's regulatory authority to manage shorelines of the state. The language in this new section is entirely based on WAC 173-26 and RCW 90.58.020.

##### **Authority**

Authority for enactment and administration of this Program is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as "the Act."

## **Purpose and Intent**

The purpose of this Program is: (A) to promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of City of Kenmore shorelines; (B) to manage shorelines in a positive, effective, and equitable manner; and (3) to further assume and carry out the responsibilities established by the Act for the City of Kenmore, and to adopt and foster the following policy contained in RCW 90.58.020 for shorelines of the State:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including, but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

## **Governing Principles**

The following principles along with the policy statements of RCW 90.58.020 establish basic concepts that underpin the goals, policies and regulations of this Shoreline Master Program.

- A. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
- B. The policies of this Program may be achieved by diverse means, one of which is regulation. Other means, authorized by the Act, include but are not limited to: acquisition of lands and/or easements by

purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.

C. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. Permitted and/or exempt development; actions taken prior to the Act's adoption; and/or unregulated activities can impair shoreline ecological processes and functions. This Program protects shoreline ecology from such impairments in the following ways:

1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in KMC 18.55.210. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the date of adoption of this Program.
3. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such opportunities have been identified, consistent with the City of Kenmore Shoreline Restoration Plan.

D. Regulation of private property – to implement Program goals such as public access and protection of ecological functions and processes – must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, civil rights guaranteed by the U.S. and State constitutions, recent federal and state case law, and state statutes.

E. Regulatory or administrative actions contained herein must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

F. The regulatory provisions of this Program are limited to shorelines of the state, whereas the Shoreline Restoration Plan may extend beyond the designated shoreline boundaries.

G. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the City of Kenmore Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).

H. Consistent with the policy and use preferences of RCW 90.58.020, the City of Kenmore should balance the various policy goals of this Program giving consideration to other relevant local, state, and federal regulatory and non-regulatory programs.

## SHORELINE JURISDICTION

This section provides an overview of Kenmore’s shoreline jurisdiction, the area where the Shoreline Management Act applies. “Shorelines” means lakes greater than 20 acres and rivers and streams with a minimum of twenty cubic feet per second mean annual flow, including the entire water body waterward from the ordinary high water mark from its centerline or point, all water below the surface and associated shorelands (RCW 90.58.030(2)(d)). Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high water mark (OHWM) of shorelines and their adjacent shorelands, defined in Kenmore as the upland area within 200 feet of the OHWM, as well as any associated wetlands and floodplains. Three waterbodies in Kenmore (Lake Washington, Sammamish River and Swamp Creek) are regulated under the SMA and the City’s Shoreline Master Program (SMP). Lake Washington is the only shoreline designated as a “shoreline of statewide significance” under the SMA [RCW 90.58.030(2)e].

The Kenmore shoreline jurisdiction is shown on the Shoreline Environment Designations Map, **Figure LU-12**.

## SHORELINES OF STATEWIDE SIGNIFICANCE

This section includes principles and policies for managing shorelines of statewide significance. In the City of Kenmore, shorelines of statewide significance include only the Lake Washington shoreline, as it is a lake with a surface acreage over 1,000 acres. The Shoreline Management Act sets specific use priorities for these shorelines and calls for a higher level of effort in implementing policy goals. The state legislature declared that the public interest shall be paramount in the management of shorelines of statewide significance.

Policy LU-16.1.1      The public interest in the use and enjoyment of shorelines of statewide significance in the City of Kenmore shall be paramount.

Management goals for shorelines of statewide significance were ranked in order of preference by the State (i.e., the first goal must be given priority over all subsequent goals), as listed in the following policy.

Policy LU-16.1.2      In developing and implementing its Shoreline Master Program for Lake Washington the City of Kenmore shall give preference, in the following order, to uses that:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100.

## SHORELINE ENVIRONMENT DESIGNATIONS

The Kenmore shoreline environment designations are shown on the Shoreline Environment Designations Map, **Figure LU-12**.

### **GOAL 17.     *IMPLEMENT THE OBJECTIVES, PURPOSE, DESIGNATION CRITERIA AND POLICIES FOR EACH SHORELINE ENVIRONMENT.***

#### **17.1 Downtown Waterfront Environment**

**Purpose:** The purpose of the Downtown Waterfront Environment is to provide for mixed urban water-enjoyment uses, public access and recreation while protecting existing ecological functions.

**Designation Criteria:** The shoreline along the downtown waterfront is to be assigned the Downtown Waterfront Environment designation.

#### **Management Policies**

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| Policy LU-17.1.1 | Emphasis should be given to developing visual and physical public access to the shoreline in the Downtown Waterfront Environment.                                                                                                                                                                                                                                                                    |
| Policy LU-17.1.2 | Multiple use of the shoreline should be encouraged.                                                                                                                                                                                                                                                                                                                                                  |
| Policy LU-17.1.3 | Redevelopment and renewal should be encouraged in order to accommodate future users and capitalize on the shoreline resource.                                                                                                                                                                                                                                                                        |
| Policy LU-17.1.4 | Aesthetic improvement should be actively promoted by means of sign control regulations, architectural design standards, appropriate development siting, landscaping requirements (such as encouraging shoreline revegetation) and other development standards.                                                                                                                                       |
| Policy LU-17.1.5 | Development should not cause adverse impacts to ecological functions. Any adverse impacts shall be mitigated. Where applicable, new development shall include environmental cleanup of the shoreline in accordance with relevant state and federal laws.                                                                                                                                             |
| Policy LU-17.1.6 | Water dependent, water-related and water-enjoyment uses should be a priority over other uses in this environment. Nonwater-oriented uses should not be allowed except as part of mixed use developments that include water-dependent and water-related uses.                                                                                                                                         |
| Policy LU-17.1.7 | Encourage redevelopment of industrial sites into mixed urban uses, including public access, recreation, residential uses, and commercial uses.                                                                                                                                                                                                                                                       |
| Policy LU-17.1.8 | Identify strategic shoreline public access points and pursue linkages between public spaces along the waterfront, including trails, boardwalks, and waterfront transportation. The Downtown Circulation Map and the Kenmore Trails Map shall provide guidance for strategic shoreline public access points and linkages and should be used in regulating the location of public access improvements. |

## 17.2 Shoreline Residential Environment

**Purpose:** The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses within new multifamily developments or on public property.

**Designation Criteria:** The Shoreline Residential Environment designation should be assigned to shoreline areas if they are predominantly single-family or multifamily residential development or are planned and platted for residential development, and the shoreline areas do not meet the criteria for other designations.

### Management Policies

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| Policy LU-17.2.1 | Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set considering the environmental limitations and sensitivity of the shoreline area and the level of infrastructure and services available. |
| Policy LU-17.2.2 | Multifamily and multi-lot residential and recreational developments should provide public access and community recreational facilities.                                                                                                                                                                                                          |
| Policy LU-17.2.3 | Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.                                                                                                                                                                                                                  |

## 17.3 Urban Conservancy Environment

**Purpose:** The purpose of the Urban Conservancy Environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**Designation Criteria:** An Urban Conservancy Environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area and that are not generally suitable for water-dependent uses if any of the following characteristics apply:

- (A) The shoreline includes wetlands or exceptional riparian corridor that should not be more intensively developed;
- (B) The shoreline is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties;
- (C) The shoreline has been altered but retains important ecological functions;
- (D) The shoreline has potential for ecological restoration or is a restoration priority; or
- (E) The shoreline has potential for development that is compatible with ecological restoration.

## **Management Policies**

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| Policy LU-17.3.1  | Uses that preserve the natural character of the area or promote preservation of open space, floodplain or critical areas either directly or over the long term should be the primary allowed uses in the Urban Conservancy Environment. Uses that result in the restoration of ecological functions are allowed if the use is otherwise compatible with the purpose of the environment. |
| Policy LU-17.3.2  | New development should be restricted to those which are compatible with the natural and biophysical limitations of the land and water.                                                                                                                                                                                                                                                  |
| Policy LU-17.3.3  | Commercial and industrial uses are generally discouraged, but commercial uses consistent with underlying zoning may be allowed if accompanied by ecological restoration and public access enhancement.                                                                                                                                                                                  |
| Policy LU-17.3.4  | Diverse public access and recreational activities which are compatible with the Urban Conservancy Environment should be encouraged when adverse ecological impacts can be mitigated.                                                                                                                                                                                                    |
| Policy LU-17.3.5  | Development which would be a hazard to public health and safety or would materially interfere with existing ecological processes and functions should not be allowed.                                                                                                                                                                                                                   |
| Policy LU-17.3.6  | Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas in the Urban Conservancy Environment adjacent to Lake Washington and the Sammamish River, water-dependent uses should be given highest priority.                                                                                                                                          |
| Policy LU-17.3.7  | Standards for residential density and development shall be set considering the environmental limitations and sensitivity of the shoreline area and the level of infrastructure and services available                                                                                                                                                                                   |
| Policy LU-17.3.8  | New structural flood control devices should be strongly discouraged in the Urban Conservancy Environment.                                                                                                                                                                                                                                                                               |
| Policy LU-17.3.9  | Developments should not be allowed unless connected to a sewer line.                                                                                                                                                                                                                                                                                                                    |
| Policy LU-17.3.10 | Developments should be regulated so as to minimize the following: erosion or sedimentation, the adverse impact on aquatic habitats and substantial degradation of the existing character of the Urban Conservancy Environment.                                                                                                                                                          |
| Policy LU-17.3.11 | Standards should be established for shoreline stabilization measures, vegetation conservation, water quality and shoreline modifications within the Urban Conservancy Environment.                                                                                                                                                                                                      |
| Policy LU-17.3.12 | The protection and restoration of stream 0056 where it flows into Lake Washington should be prioritized.                                                                                                                                                                                                                                                                                |
| Policy LU-17.3.13 | Because the parcels located to the north of Saint Edward State Park and designated Urban Conservancy are largely ecologically intact, if one or more of those parcels are acquired by a public agency for open space purposes, the City                                                                                                                                                 |

should consider redesignating those parcels as Natural if they meet applicable criteria.

## 17.4 Natural Environment

**Purpose:** The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered shorelines. Only low intensity uses are to be allowed in this environment to maintain existing ecological processes and functions.

**Designation Criteria:** A Natural Environment designation is assigned to shoreline areas if any of the following characteristics apply:

- (A) A relatively large, contiguous area of the shoreline is in public ownership and ecologically intact or minimally altered;
- (B) The shoreline represents ecological processes or functions that provide educational or scientific opportunities; or
- (C) The shoreline is unable to support active uses or development without adverse impacts to ecological functions.

### Management Policies

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| Policy LU-17.4.1 | The Natural Environment should remain free from development or uses that would degrade the ecological functions or adversely affect their natural character.                                                                                                                                                                                                                                                        |
| Policy LU-17.4.2 | The intensity and type of uses permitted should be restricted in the Natural Environment to maintain the natural systems and resources in their natural condition. The following new uses should not be allowed in the Natural Environment: commercial uses, industrial uses, nonwater oriented recreation, and roads, utility corridors, and parking areas that can be located outside of the Natural Environment. |
| Policy LU-17.4.3 | Limited access should be allowed to areas in the Natural Environment.                                                                                                                                                                                                                                                                                                                                               |
| Policy LU-17.4.4 | Uses that are consumptive of the physical and biological resources or that may degrade the actual or potential value of the Natural Environment should be prohibited.                                                                                                                                                                                                                                               |
| Policy LU-17.4.5 | Uses and activities in locations adjacent to the Natural Environment should be strictly regulated to ensure that the integrity of the shoreline ecology is not compromised.                                                                                                                                                                                                                                         |
| Policy LU-17.4.6 | Scientific, historical, cultural and educational research uses and low-intensity water-oriented recreational access uses may be allowed provided that no adverse impact on the area will result.                                                                                                                                                                                                                    |
| Policy LU-17.4.7 | New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be                                                                                                                                                                                                                                                               |

allowed. The subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely affects ecological functions should not be allowed.

## 17.5 Aquatic Environment

**Purpose:** The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of navigable areas waterward of the ordinary high-water mark on the Sammamish River and Lake Washington.

**Designation Criteria:** Lake Washington and the Sammamish River below (waterward of) the ordinary high water mark.

### Management Policies

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| Policy LU-17.5.1 | New over-water structures should be limited, with priority given to water-dependent uses, public access and ecological restoration.                                                                                                                                                                                   |
| Policy LU-17.5.2 | The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.                                                                                                                                                                                             |
| Policy LU-17.5.3 | To reduce the adverse impacts of shoreline development and increase effective use of water resources, multi-purpose use of over-water facilities should be encouraged.                                                                                                                                                |
| Policy LU-17.5.4 | All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider any adverse impacts to public views, and to allow for the safe unobstructed passage of fish and wildlife, particularly those species dependent on migration. |
| Policy LU-17.5.5 | Uses that adversely affect the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020 and impacts shall be mitigated.                                                                                                           |
| Policy LU-17.5.6 | Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.                                                                                                                                                              |

## GENERAL SHORELINE MANAGEMENT POLICIES

General shoreline management policies apply regardless of environment designation unless specifically stated within the policy, and are intended to provide general guidance in the management of shorelines. These general policies are organized by shoreline element.

## 18. Economic Development

**GOAL 18.1. *SHORELINE DEPENDENT DEVELOPMENT SHOULD PROVIDE LONG RANGE ECONOMIC BENEFITS WHILE ENSURING COMPATIBILITY WITH ENVIRONMENTAL AND LAND USE GOALS.***

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| Policy LU-18.1.1 | Kenmore should plan for the location and design of industries, industrial projects of statewide significance, transportation facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state. |
| Policy LU-18.1.2 | New economic development in the shoreline should be encouraged to cluster in areas of the Downtown Waterfront environment that can be upgraded and redeveloped.                                                                                                                          |
| Policy LU-18.1.3 | Economic development should be designed to minimize actual shoreline space occupied.                                                                                                                                                                                                     |
| Policy LU-18.1.4 | Economic development in the shoreline involving high intensity commercial land use should be confined to the Downtown Waterfront.                                                                                                                                                        |
| Policy LU-18.1.5 | Cooperative use of docks, parking and storage facilities should be encouraged among commercial uses along the shoreline.                                                                                                                                                                 |

***GOAL 18.2. SHORELINE ECONOMIC DEVELOPMENT SHOULD PROVIDE PUBLIC PHYSICAL AND VISUAL AVAILABILITY TO THE WATER, CONSISTENT WITH PUBLIC HEALTH AND SAFETY.***

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| Policy LU-18.2.1 | Overlook points, historic areas and points of public access to the shoreline should be considered in commercial site planning.                                          |
| Policy LU-18.2.2 | Economic development in the shoreline that utilizes public land should be designed to include public viewpoints, waterfront restaurants, and similar public facilities. |
| Policy LU-18.2.3 | Structures placed in the water for economic purposes should be designed to prevent adverse impacts to shoreline ecological processes and functions.                     |
| Policy LU-18.2.4 | Economic development in the shoreline should be prohibited in identified environmentally critical areas.                                                                |

***GOAL 18.3. WHENEVER FEASIBLE, WATERFRONT ECONOMIC DEVELOPMENT SITES SHOULD BE LOCATED IN AREAS THAT ARE ALREADY DEVELOPED WITH SIMILAR USES AND PLANNED SO AS TO PROVIDE MULTIPLE USES OF THE SHORELINES OF THE STATE.***

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| Policy LU-18.3.1 | Consistent with public safety, waterfront industrial developments should be encouraged to provide fishing piers, boat ramps and other facilities.                                    |
| Policy LU-18.3.2 | In siting economic development in the shoreline, water-dependent uses should be given priority over water-oriented uses.                                                             |
| Policy LU-18.3.4 | To support the long-range economic base in Kenmore, shoreline economic development should include mixed urban uses, and shoreline public access and recreation should be encouraged. |

**GOAL 18.4. PRIORITY SHOULD BE GIVEN TO THOSE SHORELINE ECONOMIC DEVELOPMENTS WHICH MAINTAIN OPTIONS FOR FUTURE USERS OF THE WATER.**

- Policy LU-18.4.1 Development of commercial and recreational fisheries should be encouraged through measures to protect and restore fish habitat and provision for boating facilities.
- Policy LU-18.4.2 Mining, dredging, channelizing or filling of shoreline should be discouraged.
- Policy LU-18.4.3 Priority should be given shoreline economic development of renewable over non-renewable resources.
- Policy LU-18.4.4 In order to ensure that treaty rights are respected, public notice of application should be provided to affected tribes on all projects requiring general public notice.

**19. Public Access, Recreation and Views and Aesthetics**

***Public Access***

**GOAL 19.1. INCREASE THE ABILITY OF THE GENERAL PUBLIC TO REACH, TOUCH AND ENJOY THE WATER'S EDGE, TO TRAVEL ON THE WATERS OF THE STATE AND TO VIEW THE WATER AND THE SHORELINE FROM ADJACENT LOCATIONS, PROVIDED THAT PRIVATE PROPERTY RIGHTS, PUBLIC SAFETY AND SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS ARE PROTECTED CONSISTENT WITH THE U.S. AND STATE CONSTITUTIONS, STATE CASE LAW, AND STATE STATUTES.**

- Policy LU-19.1.1 Development for the purpose of public access should respect and protect the enjoyment of private property rights along shorelines.
- Policy LU-19.1.2 Shoreline public access areas should be planned to provide for ancillary facilities such as parking and sanitation when appropriate.
- Policy LU-19.1.3 Shoreline public access and ancillary facilities should be designed and developed to provide adequate protection for adjacent private properties.
- Policy LU-19.1.4 Appropriate signs should be used to designate publicly-owned shorelines and designated public access on public shorelines.
- Policy LU-19.1.5 Public access to and along the water's edge should be available in publicly owned shorelines that are tolerant of human activity.

**GOAL 19.2. PUBLIC ACCESS AND RECREATION SITES AND FACILITIES SHOULD BE WELL-MAINTAINED AND OPERATED.**

- Policy LU-19.2.1      Public access should be policed and improved consistent with the planned intensity of recreational use.
- Policy LU-19.2.2      Shoreline public access should be limited to low-intensity, passive recreation in the Natural and Urban Conservancy environments.

***GOAL 19.3. PRIORITY FOR ACCESS ACQUISITION SHOULD CONSIDER RESOURCE DESIRABILITY, AVAILABILITY AND PROXIMITY OF POPULATION.***

- Policy LU-19.3.1      Where appropriate, improve, pursue or develop shoreline access, including, but not limited to, open space, boat launches, fishing facilities, trails, and streetscaping on publicly owned shorelands consistent with the Parks and Recreation Master Plan.

***GOAL 19.4. PHYSICAL OR VISUAL ACCESS TO SHORELINES SHOULD BE REQUIRED AS A CONDITION OF APPROVAL FOR SHORELINE DEVELOPMENT ACTIVITIES COMMENSURATE WITH THE ADVERSE IMPACTS OF NEW MULTI-FAMILY AND COMMERCIAL SHORELINE DEVELOPMENT AND THE CORRESPONDING BENEFIT TO THE PUBLIC OF SUCH DEVELOPMENT, CONSISTENT WITH CONSTITUTIONAL LIMITATIONS.***

- Policy LU-19.4.1      The City should provide incentives to encourage multi-family and commercial private property owners to provide public shoreline access.
- Policy LU-19.4.2      Public pedestrian easements should be required in future shoreline land use actions whenever shoreline features are appropriate for public use.
- Policy LU-19.4.3      Shorelines of the state that include but are not limited to any of the following conditions should be considered for pedestrian easements:
- a.    Where a proposed trail in the Kenmore Trail System or Downtown Plan Circulation improvement is planned along the shoreline.
  - b.    Areas presently being legally used or historically having been legally used by the public along the shoreline for access.
- Policy LU-19.4.4      Public access opportunities identified in the Shoreline Inventory and Characterization should be pursued as feasible over time to increase and improve public access to the shoreline.

***GOAL 19.5. PUBLIC ACCESS TO SHORELINES OF THE STATE SHOULD BE DEVELOPED IN A WIDE RANGE OF LOCATIONS AND SHOULD BE OPEN TO ALL PEOPLE.***

- Policy LU-19.5.1      Viewpoints, lookouts, and vistas of shorelines of the state and wetlands should be publicly accessible.

- Policy LU-19.5.2      Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use.
- Policy LU-19.5.3      Publicly-owned street ends that abut the shoreline should be retained or reclaimed for public access.
- Policy LU-19.5.4      Shoreline recreational facilities and other public access points should be connected by trails, bicycle pathways and other access links where appropriate, as consistent with the Parks and Recreation Master Plan (2003) and Downtown Plan.
- Policy LU-19.5.5      Public access points should be of a nature and scale that would be compatible with adjacent land uses, water-dependent uses, navigation and protection of natural features, including aquatic habitat.
- Policy LU-19.5.6      Public access should respect and protect ecological processes and functions and aesthetic values in the shorelines of the state.
- Policy LU-19.5.7      Environmentally critical areas in shoreline areas should be retained as open space. Access and use should be restricted or prohibited such that there is no net loss of shoreline ecological processes and functions.

**GOAL 19.6.    *PROVIDE FOR THE PRESERVATION AND EXPANSION OF SHORELINE DEPENDENT AND WATER ORIENTED RECREATION OPPORTUNITIES THAT FACILITATE THE PUBLIC'S ABILITY TO ENJOY THE PHYSICAL AND AESTHETIC QUALITIES OF THE SHORELINE THROUGH PARKS, PUBLIC ACCESS TO BEACHES, BICYCLE AND PEDESTRIAN TRAILS, VIEWPOINTS AND OTHER RECREATIONAL AMENITIES.***

**GOAL 19.7.    *AREAS CONTAINING SPECIAL SHORELINE RECREATION QUALITIES NOT EASILY DUPLICATED SHOULD BE AVAILABLE FOR PUBLIC USE AND ENJOYMENT.***

- Policy LU-19.7.1      Opportunities should be provided for the public to understand natural shoreline processes and experience natural resource features in diverse forms of water-oriented recreation.

### ***Recreation***

**GOAL 19.8.    *SHORELINE RECREATIONAL MANAGEMENT AND DEVELOPMENT SHOULD PROTECT SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.***

- Policy LU-19.8.1      Low intensity recreational uses should be allowed along intact shorelines; service facilities such as footpaths, periphery car parks and adequate sanitary facilities should only be allowed where appropriate.
- Policy LU-19.8.2      Already popular beaches and other predominantly undeveloped shorelines should be available and designated as medium intensity recreational use areas

to be free from expansive development; intensity of use should be consistent with the protection of shoreline ecological processes and functions.

- Policy LU-19.8.3 Small or linear portions of the shoreline in public ownership that are suitable for recreational purposes should be made available for variable intensities of use, which may include vista points, pedestrian walkways, water entry points, street-ends, and shoreline areas adjacent to waterfront roads.
- Policy LU-19.8.4 Overall design and development in shoreline recreational areas should be responsive to the site characteristics of those areas and be consistent with the level of use in the area concerned.
- Policy LU-19.8.5 Nonwater-oriented recreational facility development should be located inland away from the water's edge except where appropriate in the Downtown Waterfront environment. In the Downtown Waterfront environment, non-water-dependent recreation facilities such as a children's play area or picnic tables may be appropriate near the water on the inner harbor area and may be allowed as part of an overall development providing substantial public access and other shoreline improvements.

***GOAL 19.9. THE PROVISION OF ADEQUATE PUBLIC SHORELINE RECREATION LANDS SHOULD BE BASED ON AN ACQUISITION PLAN WITH CLEAR PUBLIC INTENT.***

***GOAL 19.10. A BALANCED VARIETY OF RECREATIONAL OPPORTUNITIES SHOULD BE PROVIDED REGIONALLY FOR PEOPLE OF DIFFERENT AGES, HEALTH, FAMILY STATUS AND FINANCIAL ABILITY.***

- Policy LU-19.10.1 Appropriate specialized recreation facilities should be provided for the handicapped or others who might need them.
- Policy LU-19.10.2 Shoreline recreation areas should provide opportunities for different use intensities ranging from low (solitude) to high (many people).
- Policy LU-19.10.3 Opportunities for shoreline recreational experiences should include a wide range of accessibility and duration of use.
- Policy LU-19.10.3.5 Shoreline recreational experiences should include a wide range of different areas from remote-outdoor undeveloped areas to highly developed indoor-outdoor areas.
- Policy LU-19.10.4 Recreational development should meet the demands of population growth consistent with the protection of shoreline ecological processes and functions.
- Policy LU-19.10.5 Encourage private and public investment in recreation facilities.
- Policy LU-19.10.6 Locate, design, and operate recreational development in a manner that minimizes adverse effects on adjacent properties as well as other social, recreational, or economic activities.

### ***Views and Aesthetics***

#### ***GOAL 19.11. SCENIC, AESTHETIC AND ECOLOGICAL QUALITIES OF NATURAL AND DEVELOPED SHORELINES SHOULD BE PRESERVED AS VALUABLE RESOURCES.***

- Policy LU-19.11.1     In shoreline areas, the natural topography should not be substantially altered.
- Policy LU-19.11.2     Setbacks should be established for new development and redevelopment in the shoreline jurisdiction to minimize adverse impacts to views of the water by the public and adjacent uses and to protect the visual quality of views of the shoreline.
- Policy LU-19.11.3     Shoreline structures should be sited and designed to minimize view obstruction and should be visually compatible with the shoreline character.
- Policy LU-19.11.4     Public viewing and interpretation should be encouraged at or near industrial, commercial, and governmental shoreline development when consistent with security and public safety.

### **20. Circulation**

#### ***GOAL 20.1. CIRCULATION SYSTEMS IN SHORELINE AREAS SHOULD BE LIMITED TO THOSE THAT ARE SHORELINE DEPENDENT, THOSE THAT WOULD SERVE SHORELINE DEPENDENT USES AND THOSE THAT WOULD PROTECT SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.***

#### ***GOAL 20.2 NEW SURFACE TRANSPORTATION DEVELOPMENT SHOULD BE DESIGNED TO PROVIDE THE BEST POSSIBLE SERVICE WITH THE LEAST POSSIBLE INFRINGEMENT UPON THE SHORELINE ENVIRONMENT. ANY ADVERSE IMPACTS TO SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS SHOULD BE MINIMIZED AND MITIGATED.***

- Policy LU- 20.2.1     New transportation facilities and improvements to existing facilities that substantially increase levels of air, noise, odor, visual or water pollution should be discouraged.
- Policy LU- 20.2.2     Transportation corridors should be designed to harmonize with the topography and other natural characteristics of the shoreline through which they traverse.
- Policy LU- 20.2.3     Surface transportation facilities in shoreline areas should be set back from the ordinary high water mark far enough to make unnecessary such protective measures as bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrade.

- Policy LU- 20.2.4      New transportation developments in shoreline areas should provide turnout areas for scenic stops and off-road rest areas where the topography, view and natural features warrant.
- Policy LU- 20.2.5      Shoreline roadway corridors with historic significance or great aesthetic quality should be retained and maintained for those characteristics.
- Policy LU- 20.2.6      The City should encourage new transportation facilities crossing lakes, streams, rivers or wetlands to locate in existing corridors except where any adverse impact can be minimized by selecting an alternate corridor.

***GOAL 20.3.   SHORELINE CIRCULATION SYSTEMS SHOULD ENCOURAGE ALTERNATIVE ROUTES AND MODES OF TRAVEL.***

- Policy LU- 20.3.1      Future development and maintenance of ferry services on Lake Washington should be encouraged in the Downtown Waterfront environment, and integrated with the overall transportation system.
- Policy LU- 20.3.2      Circulation routes should provide for non-motorized means of travel.
- Policy LU- 20.3.3      The City should develop a public trail system along the north shore of the Sammamish River and through the Downtown Waterfront shoreline environment on Lake Washington, as consistent with the Downtown Plan (2003).

***GOAL 20.4.   CIRCULATION SYSTEMS SHOULD BE LOCATED AND ATTRACTIVELY DESIGNED SO AS NOT TO UNNECESSARILY OR UNREASONABLY REDUCE THE BENEFITS DERIVED FROM PRIVATE PROPERTY.***

- Policy LU- 20.4.1      Motorized vehicular traffic on beaches and other natural shoreline areas should be prohibited.
- Policy LU- 20.4.2      Transportation facilities providing access to shoreline development should be planned and designated in scale and character with the use proposed and should consider the future economic and social needs of the community consistent with the policies of the Kenmore SMP.

***GOAL 20.5.   CIRCULATION SYSTEMS DISRUPTIVE TO PUBLIC SHORELINE ACCESS AND OTHER SHORELINE USES SHOULD BE RELOCATED WHERE FEASIBLE.***

- Policy LU- 20.5.1      Transportation elements disruptive to the shoreline character that cannot feasibly be relocated should be conditioned or landscaped to minimize visual and noise pollution.
- Policy LU- 20.5.2      Kenmore should promote and encourage modes of transportation that consume the least amount of energy and produce the least pollution while providing the best efficiency.

## 21. Conservation and Protection

### ***GOAL 21.1. PRESERVE OR DEVELOP SHORELINES, ADJACENT UPLANDS, AND ADJACENT WATER AREAS IN A MANNER THAT ENSURES NO NET LOSS OF SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.***

- Policy LU-21.1.1 Kenmore should support efforts to improve stream conditions and fish habitat, including re-establishing access to spawning and rearing areas.
- Policy LU-21.1.2 Buffers or setbacks should be established for new development and redevelopment in the shoreline jurisdiction to protect shoreline ecological processes and functions and to provide space for shoreline vegetation preservation and enhancement.
- Policy LU-21.1.3 Where appropriate, land and water uses should be located so that they do not interfere with the restoration or enhancement of shoreline ecological processes and functions.
- Policy LU-21.1.4 Environmentally critical areas in the shoreline, including critical freshwater habitats, should be protected from uses or activities that will have adverse effects.
- Policy LU-21.1.5 Kenmore should seek and use any available monitoring data on shoreline conditions in regulating development and making decisions that affect shoreline use, including, but not limited to, water quality monitoring by King County and the Department of Ecology, and monitoring data from hazardous material cleanup sites. The most recent data regarding a cleanup site should be obtained prior to issuing any permits for development on such sites.

### ***GOAL 21.2. ENSURE PRESERVATION OF UNIQUE AND NON-RENEWABLE NATURAL RESOURCES AND ENSURE CONSERVATION OF RENEWABLE NATURAL RESOURCES FOR THE BENEFIT OF EXISTING AND FUTURE GENERATIONS AND THE PUBLIC INTEREST.***

- Policy LU-21.2.1 Shorelines and shorelands that are of unique or valuable natural character should be acquired and preserved wherever feasible.
- Policy LU-21.2.2 Kenmore should encourage the conservation of fish, wildlife, and other renewable resources.
- Policy LU-21.2.3 All future shoreline development should be designed and sited to prevent adverse impacts on the natural shoreline environment. Adverse impacts shall be mitigated to ensure no net loss of shoreline ecological functions.
- Policy LU-21.2.4 Shoreline activities, and developments should be planned, constructed and operated to maintain or enhance the quality of air, soil, and water on the shorelines.
- Policy LU-21.2.5 Consumptive and extractive industries should allow the natural shoreline systems to function with a minimum of disruption during their operations and

should return the shoreline to as near natural a state as possible upon their completion.

- Policy LU-21.2.6 Any structure or activity in or near the water should be constructed in such a way that it will prevent adverse physical or chemical effects on water quality, vegetation, fish, or wildlife.
- Policy LU-21.2.7 Uses or activities that degrade the natural resources of the shoreline should not be allowed.
- Policy LU-21.2.8 Some uses or activities may be allowed only when compensatory habitat enhancement is provided as mitigation. When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer or a non-water dependent use is requested, the enhancement should be proportional to the degree of impact of the new structure, and take into account the degree to which the existing buffer has already been compromised. Enhancement should focus on restoring shoreline ecological functions that are most critical and that have been most diminished in the Kenmore shoreline. In approving any compensatory habitat enhancement plan, the Director shall consider the 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 the project would cause. Enhancements should generally focus on reducing or offsetting project impacts but may focus on restoring other critical ecological functions in the shoreline that have been lost or diminished (such as placement of large woody debris in water or restoring shallow water habitat). The Director may determine whether an enhancement that provides a broader benefit may be substituted for one that would offset the impacts of an individual project. The Director 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 and provide a sufficient broader benefit.

### *Critical Areas*

**GOAL 21.3. THE KENMORE SHORELINE MASTER PROGRAM AND IMPLEMENTING REGULATIONS SHALL PROVIDE A LEVEL OF PROTECTION FOR CRITICAL AREAS AT LEAST EQUAL TO THAT PROVIDED BY KENMORE'S CRITICAL AREA POLICIES AND IMPLEMENTING REGULATIONS.**

- Policy LU-21.3.1 Kenmore shall protect shorelines and, where possible, should restore degraded habitat and critical area functions and values as consistent with the Comprehensive Plan Natural Environment Sub-Element.
- Policy LU-21.3.2 Kenmore shall apply the following sequence of steps listed in order of priority in evaluating and mitigating the adverse impacts of development and redevelopment on critical areas within the shoreline jurisdiction, as consistent with WAC 173-26-201(2)(e):

1. Avoid the impacts altogether;
2. Minimize impacts;
3. Rectify impacts by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impacts over time;
5. Compensate for impacts by replacing, enhancing or providing substitute resources; and
6. Monitor the impact and take appropriate corrective measures.

***Wetlands***

***GOAL 21.4. KENMORE SHOULD ALLOW ALTERATIONS TO WETLANDS ONLY IF THERE IS NO NET LOSS OF WETLAND FUNCTIONS AND VALUES.***

Policy LU-21.4.1 Kenmore regulations for wetlands in shorelines shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions:

1. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
2. Dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;
3. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;
4. Driving of pilings;
5. Placing of obstructions;
6. Construction, reconstruction, demolition, or expansion of any structure;
7. Significant vegetation removal;
8. Other uses or development that results in an adverse ecological impact to the physical, chemical or biological characteristics of wetlands; and
9. Activities reducing the functions of buffers.

Policy LU-21.4.2 Kenmore shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, any potential conflicts with adjacent land use, and other relevant factors.

Policy LU-21.4.3 Kenmore may allow compensatory mitigation only after a mitigation sequence is applied consistent with Policy LU-21.3.2. Lower priority mitigation

measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

***Critical Freshwater Habitat***

**GOAL 21.5 KENMORE SHALL ENSURE PROTECTION OF CRITICAL FRESHWATER HABITAT CONSISTENT WITH KENMORE CRITICAL AREA REGULATIONS FOR FISH AND WILDLIFE HABITAT OF IMPORTANCE (KMC 18.55.520 AND 18.55.530).**

- Policy LU-21.5.1 Kenmore should establish priorities for protection and restoration, where appropriate, along river corridors and lake shorelines.
- Policy LU-21.5.2 Uses and development within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction should be regulated to ensure that no net loss of ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.
- Policy LU-21.5.3 Kenmore shall protect ecological functions associated with critical freshwater habitat as necessary to ensure no net loss from shoreline activities and associated changes.
- Policy LU-21.5.4 Kenmore should facilitate appropriate restoration projects.

***Flood Hazard Areas***

**GOAL 21.6. THE KENMORE SHORELINE MASTER PROGRAM SHALL UTILIZE THE POLICIES AND PROGRAMS ESTABLISHED IN THE KENMORE FLOOD HAZARD MANAGEMENT PLAN AND FLOOD HAZARD REGULATIONS TO MEET THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT AND THE DEPARTMENT OF ECOLOGY'S GUIDELINES FOR FLOOD HAZARD REDUCTION.**

***Water Quality, Stormwater and Nonpoint Pollution***

**GOAL 21.7. PREVENT ADVERSE IMPACTS TO WATER QUALITY AND STORM WATER QUANTITY THAT WOULD RESULT IN A NET LOSS OF SHORELINE ECOLOGICAL FUNCTIONS OR ADVERSE IMPACTS TO AESTHETIC QUALITIES OR RECREATIONAL OPPORTUNITIES.**

- Policy LU- 21.7.1 Ensure consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity. The regulations that are most protective of ecological functions and public safety shall apply.

***Geologically Hazardous Areas***

**GOAL 21.8. PREVENT ADVERSE IMPACTS TO THE SHORELINE AND PUBLIC SAFETY AS A RESULT OF INAPPROPRIATE DEVELOPMENT IN**

***GEOLOGICALLY HAZARDOUS AREAS, INCLUDING AREAS  
SUSCEPTIBLE TO EROSION, SLIDING, EARTHQUAKE, OR OTHER  
GEOLOGICAL EVENTS.***

- Policy LU- 21.8.1     Ensure consistency between shoreline management provisions and other regulations that address geologically hazardous areas by incorporating Kenmore critical areas regulations into the SMP.
- Policy LU- 21.8.2     Prohibit development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements, or would require structural stabilization of the shoreline to protect the development, over the life of the development.
- Policy LU- 21.8.3     If shoreline stabilization is required to protect existing development from geologic hazards, it shall be developed consistent with Section 24.2 of these policies.

## **22. Archaeological, Historic and Cultural Resources**

***GOAL 22.1. HISTORIC PROPERTIES IN THE SHORELINE JURISDICTION SHOULD BE PROTECTED TO PREVENT THE DESTRUCTION OF, OR DAMAGE TO, ANY SITE HAVING ARCHAEOLOGICAL, HISTORIC, CULTURAL, OR SCIENTIFIC VALUE THROUGH COORDINATION AND CONSULTATION WITH THE APPROPRIATE LOCAL, STATE AND FEDERAL AUTHORITIES, INCLUDING AFFECTED TRIBES.***

1. Sites should be protected in collaboration with appropriate tribal, state, federal, and other local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.
2. Where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
3. Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and incorporated into public and private programs and development.

- Policy LU-22.1.1     Kenmore should work with tribal, state, federal and local governments as appropriate to maintain an inventory of all known historic properties within the City in observance of applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved and/or restored for study, education and/or public enjoyment.
- Policy LU-22.1.2     Provisions for historic property preservation, restoration and education should be incorporated with open space or recreation areas in site development plans whenever compatible and feasible.
- Policy LU-22.1.3     Cooperation among involved private and public parties should be encouraged to achieve these historic, cultural, scientific and educational objectives.

- Policy LU-22.1.4 Private and public owners of historic properties should be encouraged to provide public access and educational opportunities at levels consistent with long-term protection of both historic values and shoreline ecological processes and functions. Site-specific conditions may require public site access to be restricted at times, but educational means should be provided whenever possible.
- Policy LU- 22.1.5 Historic property development should be planned and carried out so as to prevent adverse impacts to the resource. Adverse impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels.
- Policy LU- 22.1.6 Owners of historic properties are encouraged to make substantial development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, Tribes and others may have ample time to assess the site and make arrangements to preserve historic, cultural, scientific and educational values as applicable.
- Policy LU- 22.1.7 If development is proposed adjacent to an historic property, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

## **SHORELINE USE AND MODIFICATION POLICIES**

### **23. Shoreline Use**

#### **General Use Policies**

**GOAL 23.1. DEVELOPMENT WITHIN THE SHORELINE JURISDICTION SHALL PROTECT THE PUBLIC'S HEALTH AND SAFETY, AND PRIVATE PROPERTY RIGHTS WHILE IMPLEMENTING THE POLICIES OF THE SHORELINE MANAGEMENT ACT.**

**GOAL 23.2 PRESERVE OR DEVELOP SHORELINES, ADJACENT UPLANDS AND ADJACENT WATER AREAS IN A MANNER THAT ENSURES AN ORDERLY BALANCE OF SHORELINE USES.**

- Policy LU-23.2.1 Where there is a conflict between the uses permitted by zoning and the Shoreline Master Program, preference shall be given first to water-dependent uses, then to water-related uses, and finally to water-enjoyment uses.
- Policy LU-23.2.2 Kenmore shall adopt use policies and development regulations to achieve consistency between shorelands and adjacent lands as directed in RCW 90.58.340.
- Policy LU-23.2.3 Shoreline land and water areas particularly suited for specific and appropriate uses should be designated and reserved for such uses.

- Policy LU-23.2.4 Like or compatible shoreline uses should be clustered or distributed in a rational manner rather than be allowed to develop haphazardly.
- Policy LU-23.2.5 Multiple uses of the shoreline should be encouraged where location and integration of compatible uses are feasible.
- Policy LU-23.2.6 The City shall consider the goals and policies within the Shoreline Master Program in all land use management actions regarding the use or development of adjacent uplands or the water areas, adjacent uplands and associated wetlands or streams with less than 20 cubic feet per second mean annual flow within its jurisdiction where such use or development will have an adverse effect on designated shorelines.
- Policy LU-23.2.7 Adverse impacts associated with new development in the shoreline should be minimized and mitigated such that there is no net adverse impact to shoreline ecological processes and functions.
- Policy LU-23.2.8 Incentives should be provided to substantially reduce the impacts of existing nonconforming uses on ecological functions. Nonconforming uses should be allowed to expand or be reconfigured if it is demonstrated that the expanded or reconfigured use would reduce the impacts of the existing use on ecological functions.

### **23.3 Aquaculture**

- Policy LU-23.3.1 Aquaculture activities should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological processes and functions. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species; adversely impact other habitat conservation areas; or interfere with navigation or other water-dependent uses.
- Policy LU-23.3.2 Aquaculture facilities should be designed, operated and located so as not to cause harm to humans, spread disease to native aquatic life, or establish new non-native species. Aquaculture facilities shall not cause adverse impacts to shoreline ecological processes and functions, aesthetic qualities or public access.
- Policy LU-23.3.3 Preference should be given to those forms of aquaculture that involve the least adverse environmental, visual and native plant and animal species impacts. In general, submerged aquaculture structures are preferred over those that involve substantial floating structures. Projects involving little or no substrate modification are preferred over those that involve substantial modification, recognizing that in some circumstances that importing sand or pea gravel on rocky or cobble substrates may result in more diverse habitat. Projects involving little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
- Policy LU-23.3.4 Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic organisms, and/or wild fish

populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species, or other adverse effects on native species or threatened or endangered species and their habitats should not be permitted.

- Policy LU-23.3.5      Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; or on the aesthetic qualities of a project area.
- Policy LU-23.3.6      Legally established aquaculture uses, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. Uses or developments that have a high probability of damaging or destroying a legally established existing aquaculture use may be denied.
- Policy LU-23.3.7      Community restoration projects associated with aquaculture should be reviewed and permitted in a timely manner.
- Policy LU-23.3.8      Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington.
- Policy LU-23.3.9      Kenmore should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate Federal, State and local agencies; the Muckleshoot Tribe, the Tulalip Tribes and other tribes with treaty fishing rights; and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by an aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.
- Policy LU-23.3.10      The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed during the permit review process. Direct and early coordination between the applicant or proponent and the affected tribe should be encouraged.
- Policy LU-23.3.11      Kenmore support should be given to State Departments of Fisheries and Game to improve stream conditions, open new spawning areas, and establish new fish runs.

## **23.4 Boating facilities**

- Policy LU-23.4.1      Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:
1. Meet health, safety and welfare requirements;
  2. Mitigate adverse aesthetic impacts;
  3. Provide public access in new marinas, unless there is a safety or security concern;

4. Limit adverse impacts to shoreline resources from boaters living in their vessels;
  5. Ensure no net loss of shoreline ecological processes and functions or other adverse impacts; and
  6. Protect the rights of navigation.
- Policy LU-23.4.2      The need for additional marinas should be balanced against other shoreline dependent uses.
- Policy LU-23.4.3      Local governments should coordinate in the planning and development of regional marina facilities for multi-jurisdictional use.
- Policy LU-23.4.4      Marinas should be located only within the Downtown Waterfront and Aquatic shoreline environments.
- Policy LU-23.4.5      Marina development and ancillary facilities should be designed to use minimal shoreline.
- Policy LU-23.4.6      Parking areas that serve marinas shall conform to the parking regulations of the Kenmore Comprehensive Plan Transportation Element and Shoreline Master Program transportation and parking policies.
- Policy LU-23.4.7      Marinas should be planned to minimize traffic congestion and pedestrian/vehicle conflicts.
- Policy LU-23.4.8      Dry storage of boats should be encouraged in order to retain shoreline for other shoreline dependent uses or so that the greatest number of boats per foot of shoreline frontage can be accommodated.
- Policy LU-23.4.9      Viewpoints, walkways, picnic facilities, benches, telephones, restrooms, drinking fountains and other public use facilities should be encouraged at marinas.
- Policy LU-23.4.10      Covered moorage should be discouraged except for vessel repair or construction activity.
- Policy LU-23.4.11      Setbacks should be established for upland boating facilities to protect 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 residents, and protect the visual quality of views of the shoreline.
- Policy LU-23.4.12      Marinas should be allowed to have live-aboard tenants provided they are limited to 10 percent of the boat slips in the marina, are occupied by single-family tenants, and the marina has adequate on-land and pump-out facilities. Where underlying zoning restrictions would otherwise prohibit live-aboards, such as through a P-suffix condition, those conditions should be removed if it has been demonstrated that compliance with the Shoreline Code will adequately address adverse impacts from live-aboards.

## 23.5 Commercial

Preference should be given to water-dependent commercial uses over nonwater-dependent commercial uses, then water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses. Some commercial uses within the shoreline jurisdiction may be required to incorporate appropriate design and operational elements to qualify as water-related or water-enjoyment.

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| Policy LU-23.5.1 | Kenmore shall require all commercial development on public land to provide public access, unless the use is incompatible or there are public safety concerns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Policy LU-23.5.2 | <p>Kenmore shall prohibit nonwater-oriented commercial uses in the shoreline jurisdiction unless they meet the following criteria:</p> <ol style="list-style-type: none"><li>1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or</li><li>2. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.</li></ol> |
| Policy LU-23.5.3 | Kenmore may allow nonwater-oriented commercial development in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right-of-way, provided that a property should not be allowed to be subdivided in a manner that would thwart the purposes of this policy.                                                                                                                                                                                                                                                                                                                                                                            |
| Policy LU-23.5.4 | Kenmore shall allow over-water nonwater-dependent commercial uses only in existing structures or if the use is auxiliary to and necessary to support a water-dependent use. The area of any over-water structure shall be the minimum possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Policy LU-23.5.5 | Kenmore shall prohibit commercial development that will have adverse impacts on other shoreline uses, resources and values such as navigation, recreation and public access, and views. Kenmore shall require mitigation for all commercial development to ensure that it does not cause a net loss of ecological processes and functions.                                                                                                                                                                                                                                                                                                                                                        |
| Policy LU-23.5.6 | Setbacks should be established for commercial development in the shoreline jurisdiction to protect 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, protect the visual quality of views of the shoreline, and allow for public access.                                                                                                                                                                                                                                                                                                          |
| Policy LU-23.5.7 | Boat moorage, launching facilities and other services should be located where existing vehicular access and parking are available or can be made available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

- Policy LU-23.5.8      The use of porous materials should be encouraged for paved areas to allow water to infiltrate into the soil. Use of holding systems should be encouraged to control the runoff rate from parking lots and roof tops where the runoff would flow to Swamp Creek or any stream that is prone to flooding.

## **23.6 Industrial**

- Policy LU-23.6.1      Kenmore will give preference to all other uses before industrial uses. Kenmore shall give preference to industrial uses in the following order: first, water-dependent industrial uses; second, water-related industrial uses; and third, nonwater-oriented industrial uses.
- Policy LU-23.6.2      Kenmore should encourage public access on existing industrial sites in the shoreline jurisdiction, unless Kenmore determines that public access is infeasible or inappropriate.
- Policy LU-23.6.3      Kenmore should encourage redevelopment, environmental clean up and shoreline restoration on existing industrial sites.
- Policy LU-23.6.4      Kenmore should prohibit new nonwater-oriented industrial development in the shoreline jurisdiction, except when the use is part of a mixed-use project that includes water-dependent uses or the use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.
- Policy LU-23.6.5      Kenmore may allow nonwater-oriented industrial uses in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right-of-way.
- Policy LU-23.6.6      Setbacks should be established for industrial development in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline cleanup if necessary, provide space for vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and improve the visual quality of views of the shoreline.
- Policy LU-23.6.7      Industrial docks and piers should be designed to minimize adverse impact of such facilities upon other water-dependent uses and resources.
- Policy LU-23.6.8      Industrial and commercial activities should be encouraged to share overwater structures and shoreline facilities.
- Policy LU-23.6.9      Water reclamation plants, power plants, and sewage treatment facilities should be located where they are compatible with adjacent uses and do not interfere with recreational, residential, or other public uses of the shoreline.

## **23.7. In-Water Structures**

In-water structure means a structure placed by humans within a stream, river, or lake waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the

diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish collection, or other purposes.

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| Policy LU-23.7.1 | In-water structures shall provide for the protection and preservation of shoreline ecological processes and functions, and cultural resources including, but not limited to, fish and fish passage, wildlife and water resources, critical areas, hydro-geological processes, and natural scenic vistas. |
| Policy LU-23.7.2 | Planning for in-water structures shall give due consideration to the full range of public interests and ecological processes and functions, with special emphasis on protecting and restoring habitat for threatened or endangered species.                                                              |

### **23.8. Mining**

Kenmore has not identified any shoreline areas where mining may be appropriate.

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| Policy LU-23.8.1 | Mining shall be prohibited in the shoreline jurisdiction. |
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### **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.

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| 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 shoreline ecological processes and functions.                                                                                             |
| Policy LU-23.9.5 | New recreational buildings should be made sympathetic to the scale, form, and proportion of older development, to promote harmony in the visual relationships and transitions between new and older buildings. |
| Policy LU-23.9.6 | The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.                                         |
| Policy LU-23.9.7 | Public recreational shoreline areas should serve as emergency refuge areas for boaters.                                                                                                                        |

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| Policy LU-23.9.8  | 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-23.9.9  | The acquisition of public easements to the shoreline should be encouraged.                                                                                                                                                                                                                                                                                        |
| Policy LU-23.9.10 | Setbacks should be established for recreational development in the shoreline jurisdiction to protect 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 | Existing public recreation shorelines should be restored and, where possible, Kenmore should revegetate the shoreline, re-site roads and parking areas further away from the shoreline, and remove stream channelization and shoreline protection devices.                                                                                                        |
| Policy LU-23.9.12 | Prime fishing areas should be given priority and protected for recreational use.                                                                                                                                                                                                                                                                                  |
| Policy LU-23.9.13 | Boating activities that increase shore erosion should be discouraged.                                                                                                                                                                                                                                                                                             |
| Policy LU-23.9.14 | Effective interpretation should be provided to raise the quality of visitor experiences and to provide an understanding of the resource.                                                                                                                                                                                                                          |

## **23.10. Residential**

The term “residential development” includes single-family detached dwellings, attached and multifamily dwelling units, and subdivision of shoreline land into new residential lots. The Shoreline Management Act recognizes single-family residential development as a priority use within shorelines of the state.

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| Policy LU-23.10.1 | Single-family residential development is a priority use in the shoreline jurisdiction in Kenmore.                                                                                                                                                                                                                                                                     |
| Policy LU-23.10.2 | Setbacks should be established for residential development in the shoreline jurisdiction to protect 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 residents, and protect the visual quality of views of the shoreline. |
| Policy LU-23.10.3 | New shoreline residential development, including accessory structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that shoreline stabilization is not required to protect these structures and uses.                                                                                                          |
| Policy LU-23.10.4 | New over-water residences, including floating homes, are prohibited in the shoreline jurisdiction.                                                                                                                                                                                                                                                                    |
| Policy LU-23.10.5 | Kenmore should require multi-family residential development and subdivisions within the shoreline jurisdiction to provide community or public access.                                                                                                                                                                                                                 |
| Policy LU-23.10.6 | Kenmore shall require subdivisions to:                                                                                                                                                                                                                                                                                                                                |

1. Be designed, configured and developed in a manner that ensures no net loss of ecological processes and functions at full build-out of all lots;
2. Be designed, configured and developed in a manner that prevents the need for new shoreline stabilization or flood risk reduction measures; and
3. Be consistent with the provisions and policies for shoreline environment designations and the general policy goals of this Plan.

- Policy LU- 23.10.7     Residential development in flood hazard areas and channel migration areas shall be consistent with KMC 18.55.700-750.
- Policy LU- 23.10.8     Residential development in geologically hazardous areas shall be consistent with KMC 18.55.600-650.
- Policy LU- 23.10.9     In residential developments, the water's edge should be kept free of fences.
- Policy LU-23.10.10     Every reasonable effort should be made to ensure the retention of native shoreline vegetation and other natural features of the landscape during site development and construction.
- Policy LU-23.10.11     The City should explore creation of a planned unit development (PUD) process to be employed within redeveloping areas of the shoreline area so that all facets of the development can be examined.
- Policy LU-23.10.12     Residential developments should be designed to enhance the appearance of the shoreline and not substantially interfere with the public's view and access to the water.
- Policy LU-23.10.13     Residential developments should be permitted only where there are adequate provisions for utilities, circulation, access, site layout and building design.
- Policy LU-23.10.14     Residential development plans submitted for approval should contain provisions for protection of groundwater, erosion control, water quality, aesthetic characteristics and landscaping.
- Policy LU-23.10.15     Subdivisions should provide public pedestrian access to the shorelines within the development in accordance with this Master Program.
- Policy LU-23.10.16     Streets, roadways and roadway easements, whether publicly or privately owned, within the boundaries of any waterfront parcel, should not be used to compute lot area, lot dimensions, yards, open space or other required conditions of land subdivision or development.

## **23.11. Transportation and Parking**

Transportation and parking facilities may be necessary to support shoreline uses, to support the regional economy, and for access to privately owned property in the shoreline. Transportation planning in shorelines should not be focused only on automobiles, but should consider a wide range of options, including buses, light rail, commuter rail, bicycle, passenger-only ferries, and pedestrian facilities. Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.

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| Policy LU-23.11.1 | Kenmore shall require transportation and parking plans and projects to be consistent with the public access policies in this Plan, the Comprehensive Plan Transportation Element, and shoreline and critical area protection provisions.                                                                                                                                                                                                                                                           |
| Policy LU-23.11.2 | Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the Kenmore Shoreline Master Program. Where appropriate, circulation system planning should include systems for pedestrian, bicycle and public transportation and combining transportation uses to minimize the footprint of transportation facilities.                                                                                                                             |
| Policy LU-23.11.3 | Transportation and parking facilities shall be planned, located and designed to have the least possible adverse impact on environmentally critical areas in the shoreline, not result in a net loss of shoreline ecological processes and functions or adversely affect existing or planned water-dependent uses. Where other options are available and feasible, new transportation facilities or transportation facility expansions should not be constructed within the shoreline jurisdiction. |
| Policy LU-23.11.4 | Parking facilities shall be prohibited in the Aquatic shoreline environment unless necessary to support a water-dependent use, and then should be only allowed if no alternative exists, and should be the minimum needed to support the use.                                                                                                                                                                                                                                                      |
| Policy LU-23.11.5 | Existing public recreation shorelines should be restored and, where possible, Kenmore should revegetate the shoreline, re-site roads and parking areas further away from the shoreline, and remove stream channelization and shoreline protection devices.                                                                                                                                                                                                                                         |
| Policy LU-23.11.6 | Setbacks should be established for new transportation and parking facilities in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, and protect the visual quality of views of the shoreline. New parking facilities shall not impede the provision of new shoreline public access facilities and opportunities.                                                                              |
| Policy LU-23.11.7 | Shoreline transportation facilities should be designed, located and maintained to fit the topography, minimize cuts and fills, and minimize erosion.                                                                                                                                                                                                                                                                                                                                               |
| Policy LU-23.11.8 | Transportation and utility facilities should be encouraged to coordinate joint use of rights-of-way and to consolidate crossings of water bodies when adverse impacts to the shoreline can be minimized by doing so.                                                                                                                                                                                                                                                                               |

- Policy LU-23.11.9 Shoreline roadways should have a high priority for arterial beautification funds.
- Policy LU-23.11.10 Transportation facilities crossing 100-year floodplains should be constructed on low profile designs so as not to function as dikes or levees to flood waters.
- Policy LU-23.11.11 Passenger only ferry facilities should be encouraged.
- Policy LU-23.11.12 Abandoned road or railroad rights-of-way that contain unique shoreline amenities should be acquired for public benefit.
- Policy LU-23.11.13 Kenmore should extend its pedestrian and bicycle trail system along the Sammamish River shoreline.

## **23.12 Utilities**

Utilities include services and facilities that produce, convey, store, or process power, gas, water, sewage, stormwater, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one primary use are considered “accessory utilities” and are considered part of the primary use.

- Policy LU-23.12.1 Utility facilities shall be designed and located to ensure no net loss of shoreline ecological processes and functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, while meeting the needs of the projected future population in Kenmore.
- Policy LU-23.12.2 Kenmore shall allow modification of existing utility facilities and the location of new water-oriented portions of utility facilities in the shoreline jurisdiction provided that a mitigation sequence is applied per KMC 18.55.210 and there is no net loss of ecological processes and functions. As feasible, those parts of utility production and processing facilities that are not water-oriented, such as power plants and sewage treatment plants, shall be located outside of the shoreline jurisdiction.
- Policy LU-23.12.3 Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline jurisdiction where feasible. Transmission facilities located within the shoreline jurisdiction shall ensure no net loss of shoreline ecological processes and functions.
- Policy LU-23.12.4 Utilities should be located in existing developed rights-of-way and corridors whenever possible.
- Policy LU-23.12.5 Unless no other feasible alternative location exists, Kenmore should discourage the development of facilities that may require periodic maintenance that adversely affects shoreline ecological processes and functions.
- Policy LU-23.12.6 Setbacks should be established for new utility facilities in the shoreline jurisdiction to protect 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-24.12.2     Utilities located in wetlands and floodplains inappropriate for development should not make service available to those areas.
- Policy LU-23.12.7     Public access consistent with public safety and security should be encouraged where rights-of-way for utility facilities are located in shorelines of the state.
- Policy LU-23.12.8     New utility routes should be designed to minimize adverse impacts on views from the water and adjacent uplands.

### **23.13 Outdoor Advertising Signs and Billboards**

- Policy LU-23.13.1     Vistas and viewpoints should be free from unnecessary signs.
- Policy LU-23.13.2     Signs, when permitted, should be placed so as not to impair views of the water or impair views upland from the water except where hazardous shoreline conditions require warning signs.
- Policy LU-23.13.3     Warning signs should be installed by Kenmore or by other appropriate entities where hazardous shoreline conditions may exist.
- Policy LU-23.13.4     Advertising signs, when permitted, should be limited to shoreline areas of high intensity use.
- Policy LU-23.13.5     Signs in shoreline areas should be maintained in a state of security, safety and repair.
- Policy LU-23.13.6     Any new sign codes for Kenmore should recognize the unique aesthetic character and ecological qualities of shoreline areas.

### **23.14 Conditional Uses**

For the purposes of the Kenmore Shoreline Master Program, a shoreline conditional use may be appropriate in order to:

1. Effectively address unanticipated uses that are not classified in the Shoreline Master Program;
2. Address cumulative impacts; or
3. Provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific designation within the Shoreline Master Program or with the Shoreline Management Act policies.

- Policy LU-23.14.1     The following types of uses and development should require a shoreline conditional use permit:
1. Uses and development that may significantly impair or alter the public's use of the water areas of the state; and

2. Uses and development which, by their intrinsic nature, may have an adverse impact on shoreline ecological processes and functions depending on location, design, and site conditions.

## **24. Shoreline Modification**

### **General Modification Policies**

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| Policy LU-24.1.1 | Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.                                                                                                                 |
| Policy LU-24.1.2 | Reduce the effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.                                                                                                                                                                                                                                                                                                                  |
| Policy LU-24.1.3 | Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.                                                                                                                                                                                                                                                                                          |
| Policy LU-24.1.4 | Ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological processes or functions.                                                                                                                                                                                                                                                                                                          |
| Policy LU-24.1.5 | Shoreline modifications that have the least adverse impact on ecological processes and functions should be prioritized and mitigation should be required for any impacts resulting from shoreline modifications.                                                                                                                                                                                                                             |
| Policy LU-24.1.6 | Incentives should be provided to substantially reduce the impacts of existing nonconforming structures on ecological functions. Nonconforming docks should be allowed to expand or be reconfigured only when the structure would reduce the impacts on critical fish habitat. Nonconforming bulkheads should be allowed to be reconstructed if they provide a pocket cove or beach and substantially reduce impacts on ecological functions. |

### **24.2. Shoreline Stabilization**

Shoreline stabilization includes actions taken to address adverse erosion impacts to property and dwellings, businesses or structures caused by natural processes, such as current, flood, wind or wave action. Shoreline stabilization includes structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of structures to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. When structural stabilization is needed, “soft” methods can be used instead of “hard” methods (such as bulkheads, rip rap and groins) in some cases. Soft methods of shoreline stabilization include, but are not limited to, vegetation enhancement; upland drainage control; biotechnical measures; beach enhancement; and anchor trees.

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| Policy LU-24.2.1 | Kenmore shall require shoreline stabilization to be consistent with WAC 173-26-221(5) for vegetation retention and WAC 173-26-221(2) for protection of critical areas. |
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- Policy LU-24.2.2 Kenmore shall adopt standards to first avoid then mitigate adverse impacts to shoreline ecological processes and functions when alteration of the shoreline is allowed for the construction of single detached dwelling units and accessory structures. These standards shall address the design and type of protective measures and devices that are allowed.
- Policy LU-24.2.3 Kenmore shall require new development on steep slopes to be set back sufficiently to ensure that the need for shoreline stabilization is unlikely during the life of the structure, as demonstrated by a geotechnical analysis.
- Policy LU-24.2.4 Shoreline stabilization decisions should consider available scientific information and current shoreline conditions.
- Policy LU-24.2.5 Avoid and reduce adverse impacts from shoreline stabilization according to the mitigation sequence in General Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e). Shoreline planning should consider off-site erosion, accretion or flood damage that might occur as a result of shoreline stabilization structures or activities.
- Policy LU-24.2.6 Shoreline stabilization on Lake Washington shorelines should not be used as the reason for creating new or newly usable land.
- Policy LU-24.2.7 Shoreline stabilization structures should allow passage of ground and surface waters into shorelines of the state.
- Policy LU-24.2.8 Shoreline stabilization should not reduce the volume and storage capacity of the Sammamish River, Swamp Creek and adjacent wetlands or floodplains.
- Policy LU-24.2.9 Sammamish River and Swamp Creek shoreline stabilization should be planned, designed, and constructed to allow for channel relocation or stream meander whenever possible.
- Policy LU-24.2.10 Appropriate soft shore armoring methods, as determined by a qualified specialist, should be used for shoreline stabilization when necessary to protect existing property or, when for new development, no options exist to locate in such a manner as to avoid shoreline stabilization.
- Policy LU-24.2.11 Kenmore shall allow new hard structural stabilization measures only as follows:
1. The proposal is the minimum necessary to protect existing legally established primary structures, new nonwater-dependent development, and existing or proposed water-dependent development and structures, and:
    - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
    - b. Nonstructural measures, such as locating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;

- c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist. The damage must be caused by natural processes; and
  - d. Mitigation is provided such that the erosion control structure will not result in a net loss of shoreline ecological processes and functions.
2. The proposal would protect shoreline restoration projects or hazardous substance remediation projects, and:
- a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and
  - b. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.

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| Policy LU-24.2.12 | The burden of proof for the need for shoreline stabilization to protect existing or proposed developments rests on the applicant(s).                                                                                                                                                                                                                                                                                                                                                                          |
| Policy LU-24.2.13 | Shoreline stabilization activities which may necessitate new or increased shoreline stabilization on the same or other affected properties where there has been no previous need for protection, should be discouraged.                                                                                                                                                                                                                                                                                       |
| Policy LU-24.2.14 | New development should be located and designed to avoid the need for future shoreline stabilization.                                                                                                                                                                                                                                                                                                                                                                                                          |
| Policy LU-24.2.15 | Areas of significance in the spawning, nesting, rearing or residency of aquatic and terrestrial biota should be given special consideration when reviewing shoreline stabilization actions.                                                                                                                                                                                                                                                                                                                   |
| Policy LU-24.2.16 | Multiple use of shoreline stabilization structures or non-structural solutions should be encouraged.                                                                                                                                                                                                                                                                                                                                                                                                          |
| Policy LU-24.2.17 | An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.                                                                                                                                                                                                                                                                                                      |
| Policy LU-24.2.18 | Kenmore shall require replacement of shoreline stabilization structures to be designed, located, sized, and constructed to ensure no net loss of ecological processes and functions or, if infeasible to provide such protection, to use the approach with the least adverse impacts and provide mitigation for unavoidable impacts.                                                                                                                                                                          |
| Policy LU-24.2.19 | Replacement walls or bulkheads protecting a residence shall not encroach waterward of the ordinary high-water mark, unless the residence was occupied prior to January 21, 1992, and there are overriding safety and environmental concerns. In cases where there are overriding safety and environmental concerns, the replacement wall or bulkhead structure shall abut the existing shoreline stabilization structure and may be located on the waterward side of the existing wall or bulkhead structure. |

- Policy LU-24.2.20 When shoreline stabilization is proposed, Kenmore shall require a geotechnical report to address the need to prevent potential damage to a primary structure. The report shall estimate time frames and rates of erosion and the urgency associated with the specific situation. Kenmore should not allow hard armoring solutions, unless a geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid adverse impacts to ecological processes and functions. If the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- Policy LU-24.2.21 If structural shoreline stabilization measures are demonstrated to be necessary, Kenmore shall limit the size of stabilization measures to the minimum necessary.
- Policy LU-24.2.22 Kenmore shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological processes and functions. Where feasible, Kenmore shall require ecological restoration and public access improvements to be incorporated into the project.
- Policy LU-24.2.23 Adverse impacts of erosion and mass wasting should be mitigated through protection of geologically hazardous areas.

### **24.3 Piers and Docks**

- Policy LU-24.3.1 Kenmore shall allow new piers and docks only for water-dependent uses or public access. If it is designed and intended solely as a facility for access to watercraft, a dock associated with a single-family residence is considered a water-dependent use.
- Policy LU-24.3.2 Kenmore shall require pier and dock construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.
- Policy LU-24.3.3 Kenmore may allow water-related and water-enjoyment uses as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the structure is the minimum size required to serve the water-dependent use.
- Policy LU-24.3.4 Kenmore shall allow new pier or dock construction, excluding docks accessory to single-family residences, only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.
- Policy LU-24.3.5 Kenmore shall require new residential development of two or more dwelling units to provide community dock facilities, when feasible, rather than individual docks for each dwelling unit. Kenmore shall allow only one pier or dock associated with residential development on a parcel.

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| Policy LU-24.3.6  | Kenmore shall require piers and docks, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the adverse impacts to ecological processes and functions. Piers and docks should be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists. |
| Policy LU-24.3.7  | Open pile pier construction should be preferred where scenic values will not be impaired and where there will be no net loss of ecological processes and functions.                                                                                                                                                                                                                                                    |
| Policy LU-24.3.8  | Floating pier construction should be preferred in those areas where scenic values are high.                                                                                                                                                                                                                                                                                                                            |
| Policy LU-24.3.9  | Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier construction.                                                                                                                                                                                                                                                         |
| Policy LU-24.3.10 | Preference should be given to shared use of piers in all shoreline areas.                                                                                                                                                                                                                                                                                                                                              |
| Policy LU-24.3.11 | Temporary moorages should be permitted for vessels used in the construction of shoreline facilities. The design and construction of such moorages shall be such that upon termination of the project the aquatic life can be returned to their original condition within one year at no cost to the environment or the public.                                                                                         |
| Policy LU-24.3.12 | Shoreline structures that are abandoned or structurally unsafe should be abated.                                                                                                                                                                                                                                                                                                                                       |
| Policy LU-24.3.13 | Substantial additions or alterations, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in the Shoreline Master Program.                                                                                                                                                                                                                   |
| Policy LU-24.3.14 | Piers and docks should not interfere with navigation.                                                                                                                                                                                                                                                                                                                                                                  |

## **24.4 Fill**

Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill is not permitted within the 100-year floodplain without providing compensatory flood storage to prevent a rise in the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Fill can adversely affect ecological processes and functions, including channel relocation or stream meander.

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| Policy LU-24.4.1 | Kenmore shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration, stream meander and side channels. Mitigation shall be required consistent with Policy LU 21.3.2. |
| Policy LU-24.4.2 | Kenmore shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:                                                                                                                                                                              |

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
5. Expansion or alteration of SR 522 in the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.

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| Policy LU-24.4.3 | Kenmore shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration and maintenance, repair and replacement of flood protection facilities. |
| Policy LU-24.4.4 | Fill should be deposited so as to minimize disruption of normal surface and ground water passage.                                                                                                                             |
| Policy LU-24.4.5 | Fill should allow surface water penetration into the ground water supply where such conditions existed prior to fill.                                                                                                         |
| Policy LU-24.4.6 | Fill within the 100-year floodplain should not reduce the river channel or floodplain water storage capacity, reduce the channel migration zone, or in any way increase flood hazard so as to endanger public safety.         |
| Policy LU-24.4.7 | Land should be filled only after some ultimate use of the property is approved by Kenmore in accordance with the Comprehensive Plan and this Shoreline Master Program.                                                        |
| Policy LU-24.4.8 | Fill should be done at such time as to minimize damage to ecological processes and functions.                                                                                                                                 |
| Policy LU-24.4.9 | Beach nourishment areas may be established by Kenmore on Lake Washington.                                                                                                                                                     |

## **24.5 Breakwaters, Groins and Weirs**

Breakwaters, groins, and weirs are all structural elements that are constructed to absorb or deflect wave action or to control excess sediment. A breakwater is an off-shore structure, either floating or not, which may or may not be connected to the shore and is designed to absorb and reflect back into the water body the energy of the waves. A groin is a barrier-type structure extending from the backshore into the water across the beach, which is constructed to interrupt sediment movement along the shore. A weir is a small dam in a stream or river to control the flow of water. These structural elements should be allowed only under limited circumstances as they can have adverse effects on ecological processes and functions.

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| Policy LU-24.5.1 | Kenmore shall allow breakwaters and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.                                                    |
| Policy LU-24.5.2 | Groins are prohibited except as a component of a publicly-sponsored project to protect or restore shoreline ecological processes and functions.                                                                                                                                 |
| Policy LU-24.5.3 | Kenmore shall require a shoreline conditional use permit for the construction of breakwaters, groins, weirs, and similar structures, except for those structures installed to protect or restore ecological processes and functions, such as woody debris installed in streams. |
| Policy LU-24.5.4 | Breakwaters, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in General Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e).           |
| Policy LU-24.5.5 | Reduction of the opportunity to use surface water area which may result from breakwater construction should be weighed against the benefits of reduced wave action.                                                                                                             |
| Policy LU-24.5.6 | Applicants for breakwaters, groins or weirs should consider structural alternatives and the related effects on ecological processes and functions.                                                                                                                              |
| Policy LU-24.5.7 | Breakwater, groin and weir design should include provisions for compatible public access or recreational uses when consistent with navigation and when public safety can be ensured.                                                                                            |
| Policy LU-24.5.8 | Care should be exercised in location, design, construction and expansion of breakwaters, groins and weirs relative to the shoreline environments and other shoreline dependent uses.                                                                                            |
| Policy LU-24.5.9 | Beach nourishment should be considered where breakwaters or groins affect shorelines.                                                                                                                                                                                           |

## 24.6 Dredging

Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term maintenance and support activities are also considered dredging. Dredging can cause significant ecological damage. Mitigation measures should be required to ensure no net loss of ecological processes and functions.

- |                  |                                                                                                                                                                                                                                                                                                       |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy LU-24.6.1 | Kenmore shall require that new development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.                                                                                                                                  |
| Policy LU-24.6.2 | Kenmore shall allow dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigational uses. Adverse ecological impacts shall be minimized and mitigation shall be |

provided such that there is no net loss of ecological processes and functions. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged or existing authorized location, depth, and width.

- Policy LU-24.6.3 Kenmore shall not allow dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of ecological processes and functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with a habitat restoration project under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- Policy LU-24.6.4 Kenmore shall not allow disposal of dredge material on shorelands and in side channels within a channel relocation or stream meander area. Kenmore shall not allow disposal of dredge material in wetlands located within the shoreline jurisdiction. In the limited instances where it is allowed, such disposal shall require a shoreline conditional use permit.
- Policy LU-24.6.5 Dredging and excavation in environmentally critical areas within the shoreline should not be allowed.
- Policy LU-24.6.6 Dredging operations should be scheduled so as to not materially interfere with the migration of native fish.
- Policy LU-24.6.7 When dredged spoil has suitable organic and physical properties, dredging operators should be encouraged to recycle dredged material for reuse.
- Policy LU-24.6.8 Dredging should be allowed only in the Aquatic shoreline environment and to support water dependent uses.
- Policy LU-24.6.9 Disposal of dredge and excavation spoils within shorelines should be prohibited except when the material is necessary for the restoration of ecological processes and functions.

## **24.7 Restoration and enhancement**

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other plans and regulations, such as salmon conservation plans, the King County Flood Hazard Reduction Plan and Flood Control Zone District, and flood hazard management policies in the Kenmore Comprehensive Plan Natural Environment Sub-Element and Surface Water Element.

- Policy LU-24.7.1 Kenmore should allow for habitat and natural systems enhancement projects that include, but are not limited to:
1. Modification of vegetation;
  2. Removal of non-native or invasive plants;

3. Shoreline stabilization using soft or non-structural techniques; and
4. Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological processes and functions of the shoreline.

Policy LU-24.7.2      Habitat and natural systems enhancement projects should ensure that the projects address legitimate restoration needs and priorities and facilitate implementation of Kenmore's Shoreline Restoration Plan.

**APPENDIX C**  
**SHORELINE RESTORATION PLAN**

Approved by the Kenmore City Council, Ordinance 10-0312  
Approved by the Washington State Department of Ecology,  
March 2012

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## Introduction and Background

The City of Kenmore (City) is updating its Shoreline Master Program (SMP) to comply with the requirements of the Washington State Shoreline Management Act (SMA or the Act) (Revised Code of Washington [RCW] 90.58) and the state's shoreline guidelines (Washington Administrative Code [WAC] 17 3-26 Part III).

Kenmore is located in King County Washington, at the north end of Lake Washington where the Sammamish River enters the lake (Map 1).

This restoration plan is an important part of the City's SMP and was developed to meet the requirements of the Washington State Department of Ecology (Ecology) and Washington Administrative Code Title 173 Chapter 26 Section 201. Ecology dictates that shoreline restoration plans:

*...shall include goals, policies and actions for restoration of impaired shoreline ecological functions...and should be designed to achieve overall improvements in shoreline ecological functions over time. (WAC 173-26-201(2)(f)).*

This restoration plan builds on the 2008 *Draft Kenmore Shoreline Master Program Update: Inventory and Analysis* (ESA Adolfson 2008) and provides a framework for implementing the SMP goals and policies for restoration. The plan also describes how future restoration efforts may be integrated with existing work being done by local agencies, non-governmental organizations (NGO's) and private citizens.

The objectives of this report are to:

- Identify the City of Kenmore's shoreline restoration **goals**
- Describe potential restoration **opportunities** and recommend specific restoration **actions**
- Identify potential **partners** and existing restoration activities
- Explain how future restoration actions can be **implemented** to achieve the greatest overall benefit

The Kenmore region includes some of the most intensely developed land within Washington State (ESA Adolfson 2008a). More than 50 percent of the land area in the city is single-family residential development, with multi-family and commercial development on the rise (ESA Adolfson 2008a). This urbanization has degraded shoreline ecology in many parts of the city. It also fragments habitat, contributes to pollution of the shoreline and waters of the state, and limits available sites for restoration due to land costs and other economic factors.

This restoration plan describes goals and opportunities for both protection and restoration of shorelines within Kenmore. Restoration and protection are both critical components for maintaining ecosystem functions in developed or developing areas.

“Protection” is attained through policies and regulations that shield resources from possible damage caused by future development; for example, land use restrictions and special designations may be used to protect specific areas. Protection is generally accomplished through regulatory measures, such as prohibiting or restricting development (ESA Adolfson 2008b), although protection can also be accomplished through acquisition and management.

“Restoration” generally means to return an ecosystem to an earlier, often pristine or native condition, but it can also encompass rehabilitation, enhancement, and reclamation of an area. In the context of shoreline master plans, “restoration” has been defined as:

*...the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. (WAC 173-26-020.27)*

Table 1 provides examples of typical protection and restoration actions applied to shorelines in the Puget Sound region.

**Table 1. Examples of Protection and Restoration Actions for Shoreline Areas.**

| Common Protection Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Common Restoration Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Treating stormwater runoff using best management or low impact development practices to reduce pollutants</li> <li>▪ Maintaining existing wetlands</li> <li>▪ Preventing development in areas containing high quality habitat</li> <li>▪ Establishing buffer and setback requirements</li> <li>▪ Protecting/preserving existing trees/vegetation</li> <li>▪ Protecting water quality by limiting pesticide/fertilizer use</li> <li>▪ Regulating groundwater withdrawals</li> <li>▪ Limiting construction of new docks, bulkheads, and staircases</li> <li>▪ Clustering residential development away from sensitive resources</li> <li>▪ Preserving property through easement or acquisition</li> <li>▪ Limiting the amount of new impervious surface and managing runoff to mimic natural conditions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Removing dikes and setting levees back</li> <li>▪ Replacing bulkheads with soft shore stabilization structures (e.g., bio-stabilization)</li> <li>▪ Replanting/enhancing riparian vegetation</li> <li>▪ Replacing blocked or undersized culverts</li> <li>▪ Removing fill from wetlands</li> <li>▪ Removing invasive species</li> <li>▪ Replacing dock decking with open grating material to allow light penetration</li> <li>▪ Replacing treated wood docks with nontoxic materials</li> <li>▪ Retrofitting existing impervious surfaces to include stormwater treatment and flow control</li> <li>▪ Adding large woody debris or engineered log jams to streams</li> <li>▪ Replacing pavement with pervious pavement (such as at parks/boat launches)</li> <li>▪ Relocating infrastructure outside sensitive habitats</li> </ul> |

In comparison to protection, restoration involves taking proactive, on-the-ground steps to restore ecological functions which may have become degraded as a result of past development or land use activities. For example, the restoration component of SMPs centers around opportunities to restore ecological functions through actions that improve water quality, improve fish and wildlife habitat, or restore natural processes such as beach erosion and sediment transport. Additionally, restoration actions often occur in phases and are an ongoing process that may take years to complete (ESA Adolfson 2008b).

In general, protection should be the goal for areas in already excellent ecological condition, while restoration measures should be focused on areas that are degraded and restoration is both feasible and sustainable (National Research Council 2002).

Specific protection and restoration opportunities in the Kenmore area are considered in Chapter 5, Shoreline Management Issues and Opportunities, in the *Inventory and Analysis* (ESA Adolfson 2008a) and provided a basis for developing the restoration recommendations included in this plan. The Kenmore SMP addresses three water bodies that are classified as “shorelines of the state”: Lake Washington, Sammamish River, and Swamp Creek. The SMP divides each of the geographic regions or water bodies into shoreline planning areas (or reaches), based on changes in the physical and biological composition (Map 2). The water bodies are discussed in detail in the *Inventory and Analysis*, and summarized in Section 2 (below). This plan uses the reach names used in the Kenmore SMP.

Additionally, tributary streams that contribute to the general health and function of waters that are designated shorelines of the state are considered in this restoration plan. Tributary streams can affect large areas of the watershed, smaller streams, connected wetlands, and ground water. In particular, this plan addresses a small stream (Stream 0056) that flows into Lake Washington. Stream 0056 is included in this plan as it plays a significant role in the quality and availability of aquatic habitat within Lake Washington shoreline reach 4 (Lake\_WA\_04) (Map 2).

Although this plan focuses primarily on restoration activities, protection measures can also contribute toward achieving general restoration goals. Protection of existing shoreline habitat and the associated ecological functions that it provides may reduce the need for future restoration activities or reduce the level of effort required to achieve restoration goals. Specific restoration actions recommended for shorelines within Kenmore are identified in Section 4 of this plan.



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**Map 1: Watershed Scale.**

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**Map 2: Shoreline Planning Areas.**

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## Watershed Overview

The following background information is summarized from the *Kenmore Shoreline Master Program Update: Inventory and Analysis* (ESA Adolfson 2008a) and provides an overview of the watershed in and around Kenmore.

Kenmore is situated in the Puget Sound Lowlands, in the Cedar-Sammamish Watershed Resource Inventory Area (WRIA) 8. The watershed extends from southwest Snohomish County to the north and the Sammamish Plateau and headwaters of the Cedar River in the Cascade Mountain Range to the east and south (Map 1). The Lake Washington drainage includes waters from the Cedar and Sammamish Rivers, and Lake Union. It eventually drains into the Puget Sound.

### Lake Washington

Lake Washington covers approximately 35 square miles and drains an area of roughly 470 square miles. The lake water level is controlled to fluctuate 2 feet throughout the year (high water levels in May and June). There are no mapped floodplains on the lake. Three and a half miles of lake shoreline, representing approximately 100 acres of shoreline planning area, are within Kenmore. This shoreline area has been divided into four reaches for the purpose of the SMP.

Contributing streams within Kenmore include the Sammamish River and its tributaries, Stream 0056 (discussed below), and several other small, unnamed tributaries. Landslide hazards are common in the region, which result in potential for significant erosion. Topography includes low lying south-facing slopes and steeper west-facing slopes.

Significant portions of shoreline have been altered by localized dredging, residential docks and piers, and armoring. There are at least 61 docks (90 percent of the properties) within the most developed reach (Lake\_WA\_02) of the Kenmore shoreline (Map 2). There are several parks in the area, including Saint Edward State Park, Inglewood wetlands and Log Boom Park (also known as Tracy Owen Station Park) (Map 3).

Lake Washington is included on the Washington State list of impaired waters (known as the 303(d) list) due to high phosphorus concentrations and PCBs (Ecology 2009). The high phosphorus concentrations in the vicinity of Kenmore have been attributed to high loading of phosphorus from the Sammamish River (King County WLRD 2005). Several noxious and invasive plants, such as Eurasian water-milfoil (*Myriophyllum spicatum*) and Brazilian elodea (*Egeria densa*), are present in the area.

The Kenmore area waters and shoreline support an abundance of fish and wildlife. Approximately 30 fish species, including native trout and salmon, use the lake for rearing, migration, and/or spawning. Notable shoreline habitat dependent species include great blue herons (*Ardea herodias*), bald eagles (*Haliaeetus leucocephalus*), and pileated woodpecker (*Dryocopus pileatus*), which use the area for breeding grounds.

A small fish-bearing stream (Stream 0056) enters Lake Washington in the vicinity of Kenmore. Although Stream 0056 is not classified as a “shoreline of the state”, the

tributary is important to the Kenmore community and to connected shoreline habitat, and has therefore been included in this plan. The stream headwaters originate north of 181st Street. The stream flows under Bothell Way (SR 522) and discharges into Lake Washington near Log Boom Park (Map 2). Stream bank erosion is contributing to elevated suspended sediments and sedimentation in the stream channel. Near the stream's mouth, the banks are heavily developed and native vegetation is essentially absent, which is likely accelerating the rate of erosion at this location. In addition, an existing weir may prevent fish from entering the stream, thus reducing the availability of habitat for fish.

Stream 0056 and other small streams that flow into Lake Washington have been affected by upstream changes in land use, such as the increase in impervious surface, that have increased stormwater runoff and sediment inputs to the lake. These land use changes in the basins draining to the shoreline have altered the intensity, timing and duration of peak flows, causing erosion and impacts to shoreline processes and functions.

## ***Sammamish River***

The mainstem of the Sammamish River is approximately 14 miles long. The river originates at Lake Sammamish and discharges into the northeast section of Lake Washington. Approximately 1.8 miles and 144 acres of shoreline planning area are within Kenmore. There are three reaches of the Sammamish River within Kenmore. Tributaries to the Sammamish include Swamp Creek, Bear Creek, Little Bear Creek, Issaquah Creek and other unnamed tributaries. Associated wetlands also exist in the area. However, approximately 95 percent of historic wetlands were filled when the Lake Washington Ship Canal was constructed in the early 1900s (WRIA 8 Steering Committee 2005).

Historical land-use practices and activities have confined the lower Sammamish River to a straight channel; bulkheads, piers and docks line the shoreline. The entire river was dredged and widened as part of a 1966 flood control project (King County WLRD 2006). Inglewood wetlands, Rhododendron Park, and Swamp Creek Park are all adjacent to the river (Map 3). Additionally, a public boat launch maintained by WDFW is located near the mouth of the river (Map 3).

Development along most reaches of the river consists of a mix of residential and open space. The river banks are generally stable in this area and have adequate vegetation. However, the highly invasive weed reed canarygrass is present in numerous areas along the shore. One reach (SAMM\_RV\_03) has an unstable slope that may represent a landslide and erosion hazard (ESA Adolfson 2008a). The river supports several fish and wildlife species including salmonids, which use the river for rearing and migration, and a great blue heron colony.

The Sammamish River has generally poor water quality and is included on the Washington State list of impaired waters (known as the 303(d) list) due to low concentrations of dissolved oxygen, high summertime temperatures, and high concentrations of fecal coliform bacteria.

## **Swamp Creek**

The mainstem of Swamp Creek is approximately 14.6 miles long. The creek's headwaters originate in wetlands south of Everett, then flow into Sammamish River, within Kenmore. There are approximately 2.5 miles of creek and 230 acres of shoreline planning area within the City that are associated with Swamp Creek. Four reaches of Swamp Creek lie within the City's SMP planning area. Tributaries include Little Swamp Creek, Muck Creek, and an unnamed stream. Two parks in the vicinity include Swamp Creek Park and Wallace Swamp Creek Park (Map 3).

The Swamp Creek watershed contains some of the highest quality wetlands in the Kenmore area. Approximately 137 acres of associated wetlands are in the shoreline planning area; these primarily lie within the two upper reaches of the creek. The reach nearest the Sammamish River (SWAMP\_CK\_01) contains large patches and frequent smaller occurrences of several invasive species, whereas the two upper sections (SWAMP\_CK\_03 and SWAMP\_CK\_04) generally contain native vegetation with a few pockets of invasive plants. These latter reaches are classified in the highest category of wetlands. The middle reach (SWAMP\_CK\_02) consists of a mix of residential development and open space.

All reaches are relatively stable; therefore, erosion and landslide hazards are not of significant concern (ESA Adolfson 2008a). Water quality may be degraded by upstream erosion, sediment discharge, runoff and other upstream sources. Swamp Creek is included in Ecology's list of impaired waters (i.e., the 303(d) list) due to elevated temperature and low dissolved oxygen concentrations.

The river and shoreline supports numerous fish and wildlife species. Trout and several salmonid species use the river for migration and rearing. Other wildlife in the area includes a great blue heron colony and state listed purple martin (*Progne subis*).



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**Map 3: Parks, Open Space and Public Access.**

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## **Restoration Goals and Opportunities**

The Kenmore SMP has been developed in accordance with statewide policies established in the Shoreline Management Act (RCW 90.58.020). Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. The SMP protects shoreline ecology by developing an inventory that ensures a meaningful understanding of current and potential ecological functions provided by shorelines, and by regulating development in a manner that ensures no net loss of ecological functions from direct or cumulative impacts of development. The SMP also recognizes that the shoreline ecology is already degraded in many areas of Kenmore and that long term sustainability of ecological functions is only achievable if restoration of those natural functions is accomplished over time. The SMP includes the following policy statement to support that overall goal:

### **Restoration and Enhancement**

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other plans and regulations, such as salmon conservation plans, the King County Flood Hazard Reduction Plan and Flood Control Zone District, and flood hazard management policies in the Kenmore Comprehensive Plan Natural Environment Sub-Element and Surface Water Element.

Policy LU-24.7.1 Kenmore should allow for habitat and natural systems enhancement projects that include, but are not limited to:

1. Modification of vegetation;
2. Removal of nonnative or invasive plants;
3. Shoreline stabilization using soft or non-structural techniques; and
4. Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological processes and functions of the shoreline.

Policy LU-24.7.2 Habitat and natural systems enhancement projects should ensure that the projects address legitimate restoration needs and facilitate implementation of Kenmore's Shoreline Restoration Plan.

### **Conservation**

Policy LU-21.1.3 Where appropriate, land and water uses should be located so that they do not interfere with the restoration or enhancement of shoreline ecological processes and functions.

### **Critical Freshwater Habitat**

Policy LU-21.5.1 Kenmore should establish priorities for protection and restoration, where appropriate, along river corridors and lake shorelines.

Policy LU-21.5.4 Kenmore should facilitate authorization of appropriate restoration projects.

### **Shoreline Stabilization**

Policy LU-24.2.22 Kenmore shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological processes and functions. Where feasible, Kenmore shall require ecological restoration and public access improvements to be incorporated into the project.

### **Fill**

Policy LU-24.4.2 Kenmore shall allow fill waterward of the ordinary high-water mark only when necessary to support:

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
5. Expansion or alteration of SR 522 in the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.

Policy LU-24.4.3 Kenmore shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration and maintenance, repair and replacement of flood protection facilities.

### **Dredging**

Policy LU-24.6.3 Kenmore shall not allow dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of ecological processes and functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with a habitat restoration project under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

Policy LU-24.6.9 Disposal of dredge and excavation spoils within shorelines should be prohibited except when the material is necessary for the restoration of ecological processes and functions.

## **Aquaculture**

Policy LU-23.3.7 Community restoration projects associated with aquaculture should be reviewed and permitted in a timely manner.

## **Commercial**

Policy LU-23.5.2 Kenmore shall prohibit nonwater-oriented commercial uses in the shoreline jurisdiction unless they meet the following criteria:

1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration; or
2. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.

## **Industrial**

Policy LU-223.6.3 Kenmore should encourage redevelopment, environmental clean up and shoreline restoration on existing industrial sites.

Policy LU-23.6.4 Kenmore should prohibit new nonwater-oriented industrial development in the shoreline jurisdiction, except when the use is part of a mixed-use project that includes water-dependent uses or the use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.

Table 2 summarizes restoration opportunities identified for various shorelines within Kenmore. Specific reaches to which the restoration opportunity applies are indicated. Restoration *opportunities* are general activities that correspond with potential improvements to ecological structure or functions. They are not restoration *actions* (described later in this plan [Section 4]). However, they provide a foundation for identifying and prioritizing specific restoration actions, and represent the linkage between restoration goals and recommended actions.

**Table 2. Table of Restoration Opportunities (as summarized in ESA Adolfson 2008).**

| Lake Washington Reaches                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |    |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|----|----|
| Restoration Opportunities                                                                                                                            | Functions Improved                                                                                                                                                                                                                                                                                                                                                                                                                   | Reaches |    |    |    |
|                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      | 01      | 02 | 03 | 04 |
| Riparian enhancement                                                                                                                                 | <ul style="list-style-type: none"> <li>Increased input of detritus and insects from shoreline vegetation</li> <li>Increased large woody debris</li> <li>Improved wildlife habitat</li> <li>Reduction of invasive plant species extent and potential for future spread</li> </ul>                                                                                                                                                     |         | X  | X  | X  |
| Protection of wetlands that drain to lake tributaries                                                                                                | <ul style="list-style-type: none"> <li>Attenuation of stormwater flows</li> <li>Filtration of sediments</li> <li>Improvement of stormwater quality (nutrients, fecal coliform, chemicals)</li> </ul>                                                                                                                                                                                                                                 | X       | X  | X  |    |
| Removal or improvement in the design of docks and other overwater structures, for example, by using light-permeable dock surfaces or community docks | <ul style="list-style-type: none"> <li>Improve rearing and migratory habitat for juvenile fish</li> <li>Reduce potential for water quality contamination from leaching of chemically treated wood</li> <li>Reduce overwater shading that may attract juvenile salmonid predators</li> </ul>                                                                                                                                          |         | X  | X  | X  |
| Restoration of armored shorelines, for example through reducing shoreline slope, revegetating with native species                                    | <ul style="list-style-type: none"> <li>Allow natural sediment movement from upland areas to shorelines</li> <li>Improve conditions for growth of riparian vegetation</li> <li>Improve nearshore foraging habitat for fish</li> <li>Provide large wood and nutrient inputs to lake</li> <li>Restore shallow-water emergent wetland areas</li> </ul>                                                                                   |         | X  | X  | X  |
| Restoration of smaller tributary streams                                                                                                             | <ul style="list-style-type: none"> <li>Improve fish access to tributaries</li> <li>Reconnect and enhance the mouths of small streams as juvenile salmon rearing areas</li> <li>Protect and restore riparian buffers along streams</li> <li>As redevelopment occurs throughout the basins draining to Kenmore's shorelines, ensure that stormwater regulations are enforced to reduce water quality and high flow impacts.</li> </ul> |         | X  | X  |    |
| Preservation of remaining natural areas, for example through acquisition or easement                                                                 | <ul style="list-style-type: none"> <li>Potential for incremental improvement in all the above functions</li> </ul>                                                                                                                                                                                                                                                                                                                   |         | X  |    |    |

| Sammamish River Reaches                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                       |         |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|----|
| Restoration Opportunities                                                                                                                            | Functions Improved                                                                                                                                                                                                                                                                                                                                                    | Reaches |    |    |
|                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                       | 01      | 02 | 03 |
| Riparian enhancement                                                                                                                                 | <ul style="list-style-type: none"> <li>Increased input of detritus and insects from shoreline vegetation</li> <li>Increased large woody debris</li> <li>Improved wildlife habitat</li> <li>Reduction of invasive plant species extent and potential for future spread</li> <li>Improved shading and incremental reduction of stream temperatures</li> </ul>           | X       | X  | X  |
| Restoration and reconnection of floodplain wetlands                                                                                                  | <ul style="list-style-type: none"> <li>Attenuation of stormwater flows</li> <li>Filtration of sediments</li> <li>Improvement of stormwater quality (nutrients, fecal coliform, chemicals)</li> <li>Improvement of habitat for wetland-dependent wildlife species</li> </ul>                                                                                           | X       | X  | X  |
| Removal or improvement in the design of docks and other overwater structures, for example, by using light-permeable dock surfaces or community docks | <ul style="list-style-type: none"> <li>Improved rearing and migratory habitat for juvenile fish</li> <li>Reduced potential for water quality contamination from leaching of chemically treated wood</li> <li>Reduced overwater shading that may attract juvenile salmonid predators</li> </ul>                                                                        | X       | X  | X  |
| Restoration of armored shorelines, for example through reducing shoreline slope, revegetating with native species                                    | <ul style="list-style-type: none"> <li>Restored natural sediment movement from upland areas to shorelines</li> <li>Improved conditions for growth of riparian vegetation</li> <li>Improved nearshore foraging habitat for fish</li> <li>Increased large wood and nutrient inputs to river</li> <li>Restored floodplain wetland areas</li> </ul>                       | X       | X  | X  |
| Restoration of smaller tributary streams                                                                                                             | <ul style="list-style-type: none"> <li>Improved fish access to tributaries</li> <li>Reconnected and enhanced the mouths of small streams as juvenile salmon rearing areas</li> <li>Protected and restored riparian buffers along streams</li> <li>Reduced water temperatures of tributaries thereby providing incremental improvement in river temperature</li> </ul> | X       | X  | X  |

| Sammamish River Reaches                                                               |                                                                                                                                                                                                                                                                                                                                                             |         |    |    |    |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|----|----|
| Restoration Opportunities                                                             | Functions Improved                                                                                                                                                                                                                                                                                                                                          | Reaches |    |    |    |
|                                                                                       |                                                                                                                                                                                                                                                                                                                                                             | 01      | 02 | 03 |    |
| Creation of pools in river channel downstream of tributaries                          | <ul style="list-style-type: none"> <li>Improved refuge and cover for salmon</li> </ul>                                                                                                                                                                                                                                                                      |         | X  | X  |    |
| Education of recreational users of river                                              | <ul style="list-style-type: none"> <li>Reduced impacts of recreational use – invasive aquatics, pollution, noise</li> </ul>                                                                                                                                                                                                                                 | X       | X  | X  |    |
| Preservation of remaining natural areas, for example through acquisition or easement  | <ul style="list-style-type: none"> <li>Potential for incremental improvement in all the above functions</li> </ul>                                                                                                                                                                                                                                          | X       | X  | X  |    |
| Education of shoreline property owners on ways to restore and protect shoreline areas | <ul style="list-style-type: none"> <li>Potential for incremental improvement in all the above functions</li> </ul>                                                                                                                                                                                                                                          | X       | X  | X  |    |
| Swamp Creek Reaches                                                                   |                                                                                                                                                                                                                                                                                                                                                             |         |    |    |    |
| Restoration Opportunities                                                             | Functions Improved                                                                                                                                                                                                                                                                                                                                          | Reaches |    |    |    |
|                                                                                       |                                                                                                                                                                                                                                                                                                                                                             | 01      | 02 | 03 | 04 |
| Riparian enhancement                                                                  | <ul style="list-style-type: none"> <li>Increased input of detritus and insects from shoreline vegetation</li> <li>Increased large woody debris</li> <li>Improved wildlife habitat</li> <li>Reduction of invasive plant species extent and potential for future spread</li> <li>Improved shading and incremental reduction of stream temperatures</li> </ul> | X       | X  | X  | X  |
| Restoration and preservation of floodplain wetlands                                   | <ul style="list-style-type: none"> <li>Attenuation of stormwater flows</li> <li>Filtration of sediments</li> <li>Improvement of stormwater quality (nutrients, fecal coliform, chemicals)</li> </ul>                                                                                                                                                        |         |    | X  | X  |
| Restoration of smaller tributary streams                                              | <ul style="list-style-type: none"> <li>Improved fish access to tributaries</li> <li>Reconnected and enhanced the mouths of small streams as juvenile salmon rearing areas</li> <li>Protected and restored riparian buffers along streams</li> </ul>                                                                                                         |         |    | X  | X  |
| Preservation of remaining natural areas, for example through acquisition or easement  | <ul style="list-style-type: none"> <li>Potential for incremental improvement in all the above functions</li> </ul>                                                                                                                                                                                                                                          |         |    | X  | X  |
| Education of shoreline property owners on ways to restore and protect shoreline areas | <ul style="list-style-type: none"> <li>Potential for incremental improvement in all the above functions</li> </ul>                                                                                                                                                                                                                                          | X       | X  | X  | X  |

## Restoration Actions

Restoration actions are specific recommendations derived from potential opportunities identified in the draft Kenmore SMP Update *Inventory and Analysis* (ESA Adolfson 2008a), an October 2008 site review, discussion with local and state resource agencies and Kenmore community members, as well as pertinent scientific literature and restoration guidance documents. In order to achieve restoration goals, it is important to pursue programmatic efforts that may contribute to restoration of ecological functions on a broader scale across all shorelines and the region in general, in addition to implementing reach-specific or project-specific restoration actions.

Map 4 provides an overview of the restoration opportunities recommended below.

### ***Programmatic Actions***

The following programmatic actions are applicable to most jurisdictions with shoreline area. Many of these actions are appropriate to apply at a watershed-wide scale rather than just in the designated shoreline area. The City of Kenmore should:

- Establish a City of Kenmore “shoreline” homeowners association or interest group to support shoreline stewardship, to promote environmentally friendly use of shorelines, and to provide a pathway for public participation in implementing the SMP restoration plan.
- Support implementation of stormwater treatment and control strategies throughout the watershed, including existing Kenmore regulations and improved regulations to be developed in 2010. Encourage, through incentives or local regulations, Low Impact Development (LID) practices for new development and retrofit of existing properties within the watershed. Retrofitting could include on-site stormwater detention for new or redeveloped sites to mimic the natural hydrologic cycle for the basin.
- Work with WSDOT and County roads departments to identify undersized or poorly installed culverts and other road maintenance needs. Create a list of prioritized needs for the City and track progress on completion.
- Provide educational workshops and an incentives program for City residents, property owners, and developers on proper shoreline stewardship practices, landscape care and integrated pest management (IPM) techniques.
- Establish a routine survey program for invasive species (including aquatic and terrestrial noxious weeds) for all shorelines, parks and other natural areas. Develop and implement a city-wide IPM plan to identify appropriate control measures for each weed type for different levels of infestation.

- Develop a program to remove existing rip-rap and other bank hardening structures on public property where feasible.
- Promote bulkhead, dock, and ramp replacements to improve their design. For new or replacement structures, encourage or require design standards that reduce impacts on habitat. For example, new structures should be required to meet NOAA guidance on dock design, including decreasing the dock footprint, increasing light penetration, and encouraging the use of joint or community docks. For docks and bulkheads, the City may develop local standards to incorporate guidance already available for Lake Washington shorelines (City of Seattle 2009).
- Remove any creosote treated wooden piles and structures from the shoreline environment. Replace with concrete, steel or other materials if a structure is needed.
- Increase shoreline and channel habitat structure along all publicly owned properties. This should include placement of large boulders or logs and other large woody debris, establishing native vegetation including shrub and tree canopy to shade the nearshore zone, and providing for future habitat by planting larger tree species at regular intervals.

### ***Reach-Specific Restoration or Protection Actions***

Restoration actions of site-specific importance are summarized in Table 3. The table includes actions that may be implemented to restore specific shorelines included in this plan. Recommended actions are grouped by reach. Site-specific recommendations as well as programmatic recommendations of particular importance to a specific reach or site within the reach are provided.

**Map 4. Shoreline Restoration Opportunities**



**Table 3. Recommended restoration and protection actions  
for City of Kenmore Shorelines.**

| Reach                  | Recommended Restoration Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Associated Goals and Policies                                                                                                                                                                                              |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lake Washington</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                            |
| Lake_WA_01             | <ul style="list-style-type: none"> <li>Maintain intact forest and riparian habitat structure at St. Edward State Park.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Goal 21.1<br>Policy LU-21.1.4<br>Policy LU-21.2.1<br>Policy LU-17.4.1<br>Policy LU-17.4.5<br>Policy LU-21.5.1                                                                                                              |
| Lake_WA_02             | <ul style="list-style-type: none"> <li>Add shoreline structure (e.g., overhanging trees and shrubs and large woody debris) in NE Arrowhead Drive and 59th Avenue NE cove area.</li> <li>Encourage replacement of residential docks with structures that better address habitat requirements, such as use of grated decking, nontoxic materials, and minimizing overwater coverage in shallow water areas.</li> <li>Encourage the replacement of bulkheads with softer stabilization methods that include better habitat value, such as creating shallow water areas and providing overhanging vegetation.</li> <li>Promote the development of a riparian buffer along the golf course through education and voluntary action.</li> <li>Enhance adjacent riparian areas to reduce fragmentation of existing wetland habitat (create one contiguous wetland area) for the Inglewood Wetlands.</li> <li>Promote improved stormwater control in basins draining to the shoreline through implementation of existing or new stormwater regulations as development occurs.</li> </ul> | Policy LU-17.2.1<br>Policy LU-17.3.1<br>Policy LU-21.1.2<br>Policy LU-21.3.1<br>Policy LU-21.4.2<br>Policy LU-23.10.2<br>Policy LU-24.2.11<br>Policy LU-24.3.6<br>Policy LU-24.7.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4 |
| Lake_WA_03             | <ul style="list-style-type: none"> <li>Create a master plan for the long term development of the LakePointe property (near 68<sup>th</sup> Street) that provides for a protected riparian corridor with enhanced vegetation.</li> <li>Remove debris and derelict equipment within the LakePointe property shoreline. Survey this area and other commercial and industrial areas for debris, including submerged material, that should be removed from the shoreline zone.</li> <li>Promote reduction in impervious surface and re-establishment of riparian vegetation along the shoreline at the Kenmore Air Harbor Marina.</li> <li>Promote improved stormwater control in basins draining to the shoreline through implementation of existing or new stormwater regulations as development occurs.</li> </ul>                                                                                                                                                                                                                                                                | Policy LU-17.1.5<br>Policy LU-21.1.2<br>Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4                                                                                                                           |

| Reach                           | Recommended Restoration Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Associated Goals                                                                                                                  |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Lake_WA_04                      | <ul style="list-style-type: none"> <li>Develop and implement a stream stabilization and rehabilitation plan for the mouth of Stream 0056 near Log Boom Park. This should include modifications to improve fish passage. The plan should also include the establishment of riparian vegetation and installation of wood pieces to improve the link between terrestrial and aquatic habitat, and to improve refuge and foraging opportunities for fish.</li> <li>Maintain established wildlife trees at Log Boom Park.</li> <li>Introduce additional native vegetation in Log Boom Park, specifically between the park and Harbor Village Condominiums to create a longer riparian corridor. Include this area in a general invasive vegetation survey and removal program.</li> <li>Add shoreline habitat structure (e.g., boulders, logs and large woody debris, and overhanging vegetation) in cove area near Log Boom Park.</li> <li>Replace SR 522 culvert to proper size in order to improve Stream 0056.</li> </ul> | Policy LU-17.3.12<br>Policy LU-17.3.1<br>Policy LU-21.1.2<br>Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4             |
| <b>Sammamish River</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                   |
| Samm_Rv_01                      | <ul style="list-style-type: none"> <li>Maintain existing habitat on the island near Inglewood wetlands/stream mouth.</li> <li>Develop a plan for Inglewood wetlands to manage them as one contiguous wetland area through cooperation with adjacent property owners and/or additional City acquisition.</li> <li>Work with WDFW to improve boat launch area, including possible installation of equipment wash facilities to reduce the spread of invasive plants, protecting and restoring the adjacent wetland areas, and enhancing the area with larger riparian plants such as willows.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                   | Policy LU-17.3.1<br>Policy LU-21.1.2<br>Policy LU-21.3.1<br>Policy LU-19.3.1<br>Goal 21.4<br>Policy LU-21.5.1<br>Policy LU-21.5.4 |
| Samm_Rv_02<br>and<br>Samm_Rv_03 | <ul style="list-style-type: none"> <li>Install large woody debris where possible to promote pooling and habitat diversity within the channel.</li> <li>Encourage the establishment of additional vegetation in the riparian buffer as redevelopment occurs.</li> <li>Create off-channel habitat at Swamp Creek Park.</li> <li>Eliminate barriers to fish passage at the mouths of small streams on the south side of the river by modifying culverts or daylighting the streams, if feasible.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Policy LU-17.2.1<br>Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.3<br>Policy LU-21.5.4                                  |
| <b>Swamp Creek</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                   |
| Swam_Ck_01                      | <ul style="list-style-type: none"> <li>Remove reed canarygrass and regrade area to enhance wetland formation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4                                                                          |
| Swam_Ck_02                      | <ul style="list-style-type: none"> <li>Remove creosote-treated wooden pilings from the Burke-Gilman pedestrian bridge adjacent to SR 522. Consider replacing the existing pedestrian bridge with a clear-span bridge.</li> <li>In the vicinity of the pedestrian bridge and the nearby SR 522 (bridge and road construction area) remove invasive vegetation such as Japanese knotweed and improve habitat structure through bank grading, placement of LWD, and installation of native riparian vegetation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4                                                                          |

| Reach      | Recommended Restoration Action                                                                                                                                                                                                                                                                                                                        | Associated Goals                                                                                                      |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Swam_Ck_03 | <ul style="list-style-type: none"> <li>Control and monitor encroaching invasive plants, including Japanese knotweed, Himalayan blackberry, and Scots broom below 73rd Avenue bridge and in upland buffer areas.</li> <li>Remove ecology blocks and other material remaining from flood damage repairs and replace with large woody debris.</li> </ul> | Policy LU-17.2.1<br>Policy LU-17.3.1<br>Policy LU-17.3.11<br>Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4 |
| Swam_Ck_04 | <ul style="list-style-type: none"> <li>Remove concrete and asphalt debris from stream channel in Wallace Park area.</li> <li>Remove extensive Japanese knotweed and Scot's broom in Wallace Park and surrounding area.</li> <li>Commit to a long term strategy for identification and removal of invasive plants.</li> </ul>                          | Policy LU-17.3.1<br>Policy LU-17.3.11<br>Policy LU-21.3.1<br>Policy LU-21.5.1<br>Policy LU-21.5.4                     |

## ***Recommended Restoration and Protection Actions***

Restoration actions were selected based on field review, discussions, and literature mentioned previously, as well as comments received in response to the December 2008 Technical Memorandum regarding restoration opportunities (Herrera 2008). Restoration opportunities should be periodically re-evaluated to respond to changes in land use designations, project status (i.e., completion and success level), community support, funding availability, and overall feasibility. The City should continue to work with local programs, agencies, citizens, and scientists to identify activities that would produce the most benefit for the restoration of ecological functions. The following general guidance may be used to prioritize restoration actions:

- Areas of high importance (for ecological processes and functions) are higher priorities for restoration than areas of low importance (Adolfson 2003b)
- Areas of low alteration (i.e., low level of development) are higher priorities for preservation than highly altered areas (i.e., urbanized or developed) (Adolfson 2003b)
- Projects with high overall feasibility (e.g., projects that have available funding, political and community support, and site access) are generally higher priorities for restoration than less feasible projects (Bellingham 2008)

## ***Lake Washington***

### **Programmatic Action**

Important programmatic activities for the Lake Washington shoreline are associated with impacts from docks and establishment of vegetation in the nearshore (riparian) zone. Many docks and piers that line the shoreline of the lake are impairing shoreline function

by creating a light and dark interface that increases predation on salmon, and by reducing riparian cover and altering wave energy. New docks or replacement docks should be required to meet NOAA Fisheries standards such as those that limit size, and rely upon light permeable decking. Shoreline vegetation is also lacking on residential properties. An education program for water-front property owners that focuses on the benefits of shoreline vegetation, low-maintenance shoreline landscape designs, and integrated pest management should also be implemented. Shoreline development practices such as those described in the City of Seattle “Green Shorelines” publication (City of Seattle 2009) that reduce the impacts of bulkheads and docks should be encouraged through incentives or regulation.

Although difficult to implement, these actions are fairly simple and could make significant differences to shoreline structure and quality. While implementation of these actions is typically slow and piecemeal, they have the advantage of being highly feasible (over time). In fact, new dock design requirements have already been implemented.

### **Peninsula Area (LakePointe Property) off 68th Avenue (Lake\_WA\_03)**

The shoreline in this area has been extensively modified; it is largely armored, derelict materials are located in the nearshore area, and there is little, if any shoreline vegetation. Removal of impervious surface, shoreline armoring and restoring the riparian vegetation, in addition to controlling or eradicating invasive vegetation are recommended. Strategic placement of large woody debris or other structures in the nearshore zone are recommended in order to provide improved habitat. Soil testing, site clean-up, bank sloping, and design and implementation of an aggressive plan for vegetating the site should occur. This parcel has been identified for restoration because it could result in creation of a fairly large, contiguous habitat area which typically results in higher relative value toward restoration of ecological functions than restoring many, smaller, separate parcels. Proposed development for a portion of this shoreline also provides a significant restoration opportunity to improve the quality of the shoreline environment while promoting environmentally sound recreational use. The Peninsula’s location at the intersection of the lake and stream environments represents potential value to a diverse range of species.

### **Inglewood Golf Course and Adjacent Properties (Lake\_WA\_02 and SAMM\_RV\_01)**

The golf course fairway grass extends to the very edge of the Sammamish River in close proximity to Lake Washington. Establishment of shoreline vegetation in the form of grasses, sedges, shrubs, and a few tall trees would retain the views while improving shoreline structure. Constructing bird nest boxes within the shoreline zone might also contribute to improved habitat and wildlife use.

Adjacent development and fragmentation of the Inglewood Wetlands may reduce ecological function of this high quality wetland area. The wetlands should be maintained by removing encroaching structures and non-native landscape features, removing invasive plants, including Himalayan blackberry and purple loosestrife, and restoring

native vegetation in modified areas. A long-term plan to manage the site as a contiguous wetland, through cooperation with adjacent property owners and/or City acquisition of adjacent property, is also recommended to ensure the quality of this wetland over the long term.

### **Stream 0056 Adjacent to Log Boom Park (Lake\_WA\_04)**

The lower portion of this urbanized stream is adjacent to Log Boom Park and represents an opportunity to improve significant fish habitat and to link stream and lake shoreline habitat near an existing park. High flows have recently altered the channel near the stream's outlet. The stream banks in the lower reach are almost devoid of native vegetation. Specific issues to address in this area are whether to re-route the lower part of the stream, whether to repair or remove the existing weir, and developing a plan to restore the stream bank and channel conditions. Enhancing riparian vegetation and channel structure (for example, by incorporating LWD or boulders) near the mouth will result in improved habitat and water quality by providing shade, diffusing high-energy flows, and reducing suspended sediments in the stream before it discharges into Lake Washington. Sections of the park that provide existing wildlife habitat, such as large perch and shade trees, should remain in order to ensure habitat connectivity. Two organizations, *People for an Environmentally Responsible Kenmore* and the *Lake Forest Park Stewardship Foundation*, have shown interest in improving fish passage along Stream 0056 and have sought City of Kenmore collaboration and grant funding (ESA Adolfson 2008a).

In addition to restoring the lower reach of the stream, upstream culverts such as the box culvert located at SR 522 and the culvert near 181st Street should be evaluated to ensure they are sized properly. Stormwater flow control structures should be assessed in upstream areas. Those identified as insufficient, degraded, or impacting fish passage should be improved.

## ***Sammamish River***

### **Programmatic Action**

The lack of adequate forest riparian vegetation likely contributes to high water temperatures and degrades habitat for fish and wildlife. Preserving existing trees, increasing riparian vegetation (specifically planting trees), and encouraging vegetated buffers through incentives or regulation could improve habitat. Riparian vegetation can strongly affect water temperatures as a result of direct shading as well as indirectly by creating a micro-climate of cooler air temperatures that acts to insulate the river from higher ambient air temperatures of adjacent developed areas. In addition, in-stream habitat is generally lacking in the Kenmore reach of the river.

A program to promote removing bank armoring, replacing shoreline vegetation and placing designed habitat structures in the nearshore zone would provide some in-stream complexity and improve habitat.

### **Boat Launch and Adjacent Wetlands (SAMM\_RV\_01)**

The boat launch just west of the Sammamish River bridge is devoid of significant riparian vegetation and the soil is hardened, which allows for significant runoff. A partnership with Washington State Department of Fish and Wildlife (WDFW) could be beneficial to improve the boat launch and associated wetland. This area could be enhanced with hardy native shoreline vegetation, designing features to create backwater pooling in the wetland area (to increase floodplain connectivity), or installing bird nest boxes. Non-native species are frequently introduced by boats and fishing gear at public boat ramps. The introduction and spread of invasive or noxious weeds can be minimized by equipping the site with decontamination facilities. A collaborative program with WDFW could be developed to provide and maintain ramp facilities.

### **Swamp Creek Park Habitat Restoration (SAMM\_RV\_03)**

The City is currently working on a design for habitat enhancements at this park. The project will include removal of invasive weeds, new native plantings, and placement of large woody debris. A future phase could include creation of new off-channel habitat.

### **Swamp Creek**

Three areas in Swamp Creek have specifically been identified for restoration action:

#### **Lower Swamp Creek (SWAM\_Ck\_01)**

The Burke-Gilman bridge along SR 522 is supported by old, creosote-treated, wood pilings. The pilings are likely leaching toxicants into the water and sediments, as well as causing localized scour. The bridge is also constraining the stream channel and concrete slabs have been placed on the stream bank. Additionally, there are significant patches of invasive Japanese knotweed and Scot's broom in this area. The bridge should be replaced with a clear span bridge and the disturbed area restored by controlling or eradicating invasive weeds and enhancing native vegetation.

The Swamp Creek Park area contains a considerable amount of noxious plants, such as reed canarygrass and Himalayan blackberry, which reduce species diversity and degrade stream and shoreline habitat and associated ecological functions. Removal of the invasive species, some re-grading of the area, replanting with native vegetation, and installing bird/small mammal boxes would greatly enhance this area. A grant has been obtained and design work is beginning on this effort. See additional description of the project under SAMM\_RV\_03.

#### **Swamp Creek Wetland Complex (SWAM\_Ck\_03)**

At the 73rd Street Bridge, the banks are armored and invasive plants, especially Japanese knotweed, are beginning to encroach on the stream channel. This is impacting shoreline vegetation and habitat structure as well as posing a threat to the adjacent wetland. Invasive vegetation should be controlled or eradicated. Native vegetation, LWD, boulders, or other beneficial modification that improves structure, stability, and habitat

should be incorporated into the bank and channel. There are currently two such projects being undertaken by the Adopt-a-Stream Foundation in this area. The stream bank should be monitored to ensure that additional erosion does not occur.

### **Wallace Swamp Creek Park/Northern Swamp Creek (SWAM\_Ck\_04)**

Much of Wallace Swamp Creek Park is dominated by invasive species, including Japanese knotweed and Scot's broom. This represents a significant threat to native shoreline vegetation and riparian habitat structure. A plan should be developed and implemented to remove invasive vegetation and replant these with native vegetation to enhance habitat structure by increasing vegetation diversity.

Continue current work to improve fish and wildlife habitat, placing large woody debris, improving hydrologic dynamics through channel modification, and enhancing riparian vegetation.

The presence of concrete and asphalt contributes to habitat degradation in this reach. Armoring with these materials or isolated occurrences within the stream may impact channel structure and reduce water quality by introducing pollutants. These should be removed to improve habitat and associated ecological functions.

### ***Implementation of Restoration Actions***

To ensure that restoration goals are being achieved, it is important for the city to evaluate the performance effectiveness of this plan and to adapt to changing conditions. At minimum, this restoration plan will be evaluated by Ecology for its ability to improve the overall ecological functions of shorelines and the actual improvements to ecological function will be re-evaluated again in seven years, when the SMP update is required.

During the 7-year interim period between SMP updates, it is valuable to develop implementation and monitoring programs for the individual restoration actions. Due to the nature of restoration actions (i.e., diverse project or site-specific factors that influence their implementation), performance standards and monitoring plans should be developed for individual projects or actions once the City has determined priorities and identified funding sources. Annual assessments should occur to determine how well performance criteria are met and how effectively the goals of this restoration plan are achieved.

Programmatic activities such as educational and volunteer programs to improve riparian condition and effective permitting guidance for new docks, bulkheads or other shoreline modifications, and public information campaigns are best implemented through the SMP process and through other local ordinances, regulations and programs. As stated previously, although implementation of these takes time, over the long term their overall effectiveness can be significant due to the length of shoreline that can be affected. The ecological function improvements are very high compared to the direct cost of these activities, contributing to the overall feasibility of their implementation.

Invasive weed control and vegetation enhancement projects can begin quickly with adequate funding. Frequently, these projects can be initiated with existing staff or volunteer assistance. For invasive weed control and native vegetation enhancement

projects in particular, it is important to implement a monitoring program to ensure success. It can take several years for natural vegetation to establish in an area where invasive plants were present. Likewise, non-natives can quickly colonize an area once only one or two plants have been introduced. Restoration of the shorelines relies on specific monitoring and benchmarks unique to each specific project. Monitoring sites on an annual basis will allow re-assessment of priorities based on project success, available funding, and other factors. Further action should be pursued on those sites where restoration activities have already begun (e.g., Wallace Swamp Creek Park and the flood damage repair area along Swamp Creek at 73rd Avenue), sites where shoreline restoration activities such as channel and bank grading results in significant temporary disturbance, and sites where invasive plants are threatening areas of high ecological value (e.g., Wallace Swamp Creek Park, Inglewood Wetlands, and Swamp Creek wetland complex).

A few of the actions listed can be linked to activities by other agencies and steps should be taken to ensure these agencies are aware of these concerns and have included restoration or repair in their appropriate work schedules. For example, evaluation of the box culvert on SR 522 should be done by WSDOT and of the other culverts and drainage facilities by the City of Kenmore. These specific activities should be identified for inclusion in their operation and maintenance plans. Likewise, WDFW should be contacted to discuss concerns about the boat launch.

Two potential restoration sites involving numerous activities have been identified that will require significant planning and procurement of funding in order to fully implement. Restoration activities at Stream 0056 could potentially occur in conjunction with proposed improvements within the adjacent Tracy Owen Station Park (Log Boom Park). For this project, and for the potential LakePointe property restoration activities, detailed plans will need to be developed and agreed upon by stakeholders. The City may need to acquire additional parcel ownership and develop funding sources. However, these projects were deemed important because of their potential to result in considerable improvements to ecological functions and habitat quality for numerous species. The LakePointe property in particular provides significant opportunity not only to restore habitat but also to improve access and recreational use of the shoreline. This can result in increased public awareness of shoreline management issues and promote environmentally sound stewardship of local resources if coupled with well developed educational programs. The site could also provide opportunities to mitigate for other development activities within the City of Kenmore which could potentially be used to offset restoration costs. The LakePointe site will also benefit from a long term protection plan which should be incorporated into the restoration efforts early in the development phase to ensure success.

## Organizations and Funding

Several agencies and organizations are working for restoration of the area watershed. Most restoration efforts are implemented because local citizens, tribes, NGOs, and local city, state, and federal resource agencies collaborate to solve problems and share responsibility to achieve the goal (ESA Adolfson 2008b). Continued collaboration at all levels is needed to reach the goals of this plan.

In many instances collaboration and coordination between stakeholders is necessary to implement restoration actions. Organizations that are likely to contribute significantly, or already involved with the restoration actions in the area, are listed in Table 4.

**Table 4. Organizations potentially providing support for Kenmore restoration activities.**

| Organization                                      | Mission                                                                                                                                                                                                                                                                                                                                                                                                                                   | Potential Participation in Restoration Goals                                                                                                 |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Washington State Department of Transportation     | <i>“Our work will incorporate environmental protection and improvements into the day-to-day operations of the department as well as the ongoing development of the state’s transportation plans and facilities.”</i>                                                                                                                                                                                                                      | May help to upgrade culverts to improve stream flow and habitat                                                                              |
| Washington Department of Fish and Wildlife        | <i>“Achieve healthy, diverse and sustainable fish and wildlife populations...for social and economic benefit. Ensure effective use of current and future financial resources in order to meet the needs of the state’s fish and wildlife resource for the benefit of the public. Implement processes that produce sound and professional decisions, cultivate public involvement and build public confidence and agency credibility.”</i> | May provide grant funding, collaborate on wetland enhancement projects, or provide technical assistance or staffing for restoration projects |
| Inglewood Shores Home Owners Association          |                                                                                                                                                                                                                                                                                                                                                                                                                                           | Fundraising, volunteer staffing                                                                                                              |
| People for an Environmentally Responsible Kenmore |                                                                                                                                                                                                                                                                                                                                                                                                                                           | Fundraising, volunteer staffing                                                                                                              |
| StreamKeepers of Lake Forest Park                 | <i>“To contribute to the well-being of our community by fostering awareness, understanding, appreciation, and stewardship of our natural environment; and by preserving and enhancing parks and open spaces.”</i>                                                                                                                                                                                                                         | Monitoring assistance, guidance, volunteer staffing                                                                                          |
| Lake Forest Park Stewardship Foundation           |                                                                                                                                                                                                                                                                                                                                                                                                                                           | Technical assistance, volunteer staffing                                                                                                     |

Several funding opportunities are available to help with restoration actions in the Puget Sound region. Organizations that may provide funding opportunities for Kenmore’s shoreline restoration efforts are identified in Table 5.

**Table 5. Potential funding sources.**

| Organization & Contact Information                                                                                                                                                                                | Grants Description                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Washington State Department of Ecology<br>P.O. Box 47600<br>Olympia, WA 98504-7600<br><a href="http://www.ecy.wa.gov/programs/wq/funding/funding.html">http://www.ecy.wa.gov/programs/wq/funding/funding.html</a> | Various sources of funding including low-interest loans and grants for improvement in water quality, or prevention and control of non-native aquatic plants.                                                                             |
| Washington Department of Fish and Wildlife<br>600 Capitol Way N.<br>Olympia, WA 98501<br><a href="http://wdfw.wa.gov/grants/alea/">http://wdfw.wa.gov/grants/alea/</a>                                            | Grants include financial assistance for private landowners taking measures to restore habitat to benefit at-risk species, and local programs taking actions that benefit fish and wildlife.                                              |
| National Fish and Wildlife Foundation<br>1120 Connecticut Avenue NW, #900<br>Washington, D.C. 20036<br>Kathleen Pickering<br>(202) 857-0166<br><a href="http://www.nfwf.org">www.nfwf.org</a>                     | Funds for community-based projects that restore native salmon habitat. This includes fish passage barriers removal and improving habitat needs.                                                                                          |
| NOAA Restoration Center<br>Community-based Restoration Program<br>Northwest Region<br>Jennifer Steger, Director<br><a href="http://www.nmfs.noaa.gov">http://www.nmfs.noaa.gov</a>                                | Financial and technical assistance to help grass-roots partnerships and restoration programs.                                                                                                                                            |
| Environmental Protection Agency<br>Region 10: Pacific Northwest<br>Grants Administration Unit<br>Bob Phillips<br><a href="mailto:Phillips.bob@epa.gov">Phillips.bob@epa.gov</a>                                   | Funds a variety of projects to protect the natural environment, including wetland protection, restoration and stewardship discretionary funding related to Section 404 of the Clean Water Act.                                           |
| US Fish & Wildlife Service<br>Nell Fuller<br>911 NE 11th Avenue<br>Portland, OR 97232-4181<br>(503) 231-2014<br><a href="mailto:Nell_Fuller@fws.gov">Nell_Fuller@fws.gov</a>                                      | Assists and funds several fish passage programs, including barrier culvert removal or replacement program and a <i>North American Wetlands Conservation Act Grants Program</i> .                                                         |
| U.S. Army Corps of Engineers<br>Basinwide Restoration New Starts General Investigation<br>Bruce Sexauer<br>P.O. Box 3755<br>Seattle, WA 98134<br>(206) 764-6959                                                   | Cost shares assistance available for projects correlated to fish and wildlife, flood management, general restoration, riparian areas and other related topics.                                                                           |
| Ducks Unlimited<br>Matching Aid to Restore Habitat (MARSH)<br>(916) 852-2000<br><a href="mailto:conserve@ducks.org">conserve@ducks.org</a>                                                                        | Helps develop and protect waterfowl habitat, with reimbursement matching funds for projects relating to habitat restoration and enhancement.                                                                                             |
| Puget Sound Restoration Fund<br><a href="http://www.restorationfund.org/">http://www.restorationfund.org/</a>                                                                                                     | PSRF is dedicated exclusively to restoring marine habitat, water quality and native species in Puget Sound. They pursue restoration collaboratively with industry, tribes, government agencies, private landowners and community groups. |

| Organization & Contact Information                                                                                                                                                                                        | Grants Description                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| King County<br>Ken Pritchard, Grant Exchange Coordinator<br>King County Dept. of Natural Resources and Parks<br>201 Jackson Street, Suite 600<br>Seattle, WA 98104-3855<br>(206) 296-8265<br>ken.pritchard@kingcounty.gov | King County Water Quality Grant Fund. Grants up to \$60,000 are available for community projects that protect or improve watersheds, streams, rivers, lakes, wetlands and tidewater. |
| Lake Washington / Kenmore Area<br>Home Owners Associations                                                                                                                                                                | Potential fundraising contributors                                                                                                                                                   |

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- Whatcom County Planning & Development Natural Resource Management. 2008. Whatcom County Shoreline Management Program, Title 23. <[http://www.co.whatcom.wa.us/pds/pdf/SMP\\_CountyApproved\\_EcologyApproved\\_080808\\_clean.pdf](http://www.co.whatcom.wa.us/pds/pdf/SMP_CountyApproved_EcologyApproved_080808_clean.pdf)>.

**Title 16**  
**ENVIRONMENT**

**Chapters:**

**Division I. Shoreline Management**

- 16.05 Shoreline Management Code – Purpose and Scope**
- 16.10 Definitions**
- 16.15 Shoreline Environment Designations**
- 16.20 Downtown Waterfront Environment**
- 16.25 Shoreline Residential Environment**
- 16.30 Urban Conservancy Environment**
- 16.35 Natural Environment**
- 16.40 Aquatic Environment**
- 16.45 General Shoreline Development Standards**
- 16.50 Shoreline Uses**
- 16.55 Shoreline Modifications**
- 16.60 Vegetation Conservation**
- 16.65 Shoreline Density and Dimensions**
- 16.70 Subdivisions**
- 16.75 Procedures**

**Division II. Flood Damage Prevention**

- 16.90 Flood Damage Prevention**



## Division I. Shoreline Management

### Chapter 16.05

#### SHORELINE MANAGEMENT CODE – PURPOSE AND SCOPE

##### Sections:

- 16.05.010 Purpose.
- 16.05.020 Citation.
- 16.05.030 Scope.
- 16.05.050 Liberal construction.
- 16.05.060 Relationship to other Kenmore programs.
- 16.05.070 Severability.

##### 16.05.010 Purpose.

A. The purpose of this title is to implement the Shoreline Management Act of 1971 and to provide for the regulation of development which impacts those areas of the city of Kenmore under the jurisdiction of the Shoreline Management Act consistent with Chapter 173-26 WAC and the goals and policies of the city of Kenmore comprehensive plan shoreline subelement.

B. This title contains the regulations of the city of Kenmore Shoreline Master Program and the procedures to implement those regulations. These regulations and procedures are consistent with and implement the goals and policies of the city of Kenmore comprehensive plan shoreline subelement. [Ord. 12-0334 § 3 (Exh. 1).]

##### 16.05.020 Citation.

This title shall be known as “the shoreline management code.” [Ord. 12-0334 § 3 (Exh. 1).]

##### 16.05.030 Scope.

A. No development shall be undertaken by any person on the shorelines of the state unless such development is consistent with the provisions of this title and the goals and policies of the city of Kenmore comprehensive plan shoreline subelement.

B. Development prohibited by this title but otherwise permitted by the city of Kenmore land use controls is prohibited only within the shorelines of the state.

C. Development proposed on property adjacent to water bodies or wetlands under the jurisdiction of the Shoreline Management Act shall be evalu-

ated in terms of the goals and policies of the city of Kenmore comprehensive plan shoreline subelement. [Ord. 12-0334 § 3 (Exh. 1).]

##### 16.05.050 Liberal construction.

This title is exempted from the rule of strict construction and shall be liberally construed to give full effect to the purposes for which it was enacted. [Ord. 12-0334 § 3 (Exh. 1).]

##### 16.05.060 Relationship to other Kenmore programs.

A. Kenmore shall issue no permit prior to approval pursuant to this title and shall take no action 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 in a request for a decision in any of the following programs:

1. Building permit;
2. Right-of-way construction permit;
3. Short subdivision approval;
4. Grading permit;
5. Site plan approval;
6. Access permit;
7. Trail permit;
8. State flood control zone permit;
9. Zoning variance;
10. Conditional use permit;
11. Comprehensive plan amendment or addition;
12. Zone reclassification;
13. Special use permit;
14. Subdivision approval;
15. Mobile home park permit;
16. Mobile home permit;
17. Recreational vehicle park permit; and
18. Site plan review permit.

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. KMC 18.55.090 – Jurisdiction – Critical areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).
3. KMC 18.55.130 – Mapping (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

4. KMC 18.55.140 – Signs and fencing of critical areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

5. KMC 18.55.150 – Exemptions (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

6. KMC 18.55.190 – Critical areas reports – Requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

7. KMC 18.55.200 – Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

8. KMC 18.55.210 – Mitigation sequencing (as adopted in Ordinance No. 12-0334).

9. KMC 18.55.220 – Mitigation plan requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

10. KMC 18.55.230 – Unauthorized alterations and enforcement (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

11. KMC 18.55.250 – Notice on title (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

12. KMC 18.55.260 – Critical area tracts (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

13. KMC 18.55.270 – Building setbacks (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

14. KMC 18.55.280 – Bonds to ensure mitigation, maintenance, and monitoring (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

15. KMC 18.55.290 – Critical area inspections (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

16. KMC 18.55.300 – Designation and rating of wetlands (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

17. KMC 18.55.320 – Wetland performance standards – General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

18. KMC 18.55.330 – Wetland performance standards – Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

19. KMC 18.55.400 – Designation and rating of streams (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

20. KMC 18.55.420 – Streams performance standards – General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

21. KMC 18.55.430 – Streams performance standards – Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

22. KMC 18.55.500 – Designation of fish and wildlife habitats of importance (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

23. KMC 18.55.520 – Fish and wildlife habitat performance standards – General (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

24. KMC 18.55.530 – Fish and wildlife habitat performance standards – Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

25. KMC 18.55.600 – Geologically hazardous areas – Purpose (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

26. KMC 18.55.610 – Designation of geologically hazardous areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

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1. 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 2012 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.

27. KMC 18.55.620 – Designation of specific hazard areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

28. KMC 18.55.640 – Geologically hazardous areas performance standards – General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

29. KMC 18.55.650 – Geologically hazardous areas performance standards – Specific areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

30. KMC 18.55.700 – Flood hazard areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

31. KMC 18.55.710 – Flood fringe – Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

32. KMC 18.55.720 – Zero-rise floodway – Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

33. KMC 18.55.730 – FEMA floodway – Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

34. KMC 18.55.740 – Flood hazard areas – Certification by engineer or surveyor (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

35. KMC 18.55.750 – Channel relocation and stream meander areas requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

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. [Ord. 12-0334 § 3 (Exh. 1).]

such decision shall not affect the validity of the remaining portions of this title or the master program. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.05.070 Severability.**

If any provision of this title or the master program regulations and procedures hereby adopted or its application to any person or circumstance is declared unconstitutional or invalid for any reason,

**Chapter 16.10****DEFINITIONS****Sections:**

16.10.010 Applicability of RCW and WAC definitions.

16.10.020 Applicant.

16.10.030 Access, public.

16.10.032 Accessory structure.

16.10.035 Accessory use.

16.10.040 Aquaculture.

16.10.050 Associated wetlands.

16.10.070 Backfill.

16.10.080 Berm.

16.10.090 Breakwater.

16.10.100 Bulkhead.

16.10.105 Channel migration zone.

16.10.107 Commercial development.

16.10.110 Critical areas.

16.10.115 Critical freshwater habitat.

16.10.120 Department.

16.10.130 Development.

16.10.140 Director.

16.10.150 Dock.

16.10.160 Dredging.

16.10.170 Ecological functions.

16.10.180 Fill.

16.10.185 Fish and wildlife habitat area of importance.

16.10.190 Float.

16.10.200 Floating home.

16.10.210 Floodplain.

16.10.220 Floodway.

16.10.230 Grading.

16.10.235 Government services.

16.10.240 Groin.

16.10.250 Hatchery.

16.10.260 Height.

16.10.270 Jetty.

16.10.275 Live-aboard.

16.10.280 Marina.

16.10.285 Manufacturing uses.

16.10.290 Nonconforming structure.

16.10.300 Nonconforming use.

16.10.310 No net loss.

16.10.320 Non-water-oriented uses.

16.10.330 Normal protective bulkhead common to single-family residences.

16.10.340 Open space, required.

16.10.350 Ordinary high water mark.

16.10.355 Park/recreation recreational/cultural uses.

16.10.360 Pier.

16.10.370 Port.

16.10.380 Recreational development.

16.10.390 Redesignation.

16.10.395 Residential development.

16.10.400 Restoration.

16.10.410 Riprap.

16.10.420 Sediment.

16.10.430 Shall.

16.10.440 Should.

16.10.445 Shoreline buffer.

16.10.450 Shorelands.

16.10.460 Shoreline environment.

16.10.470 Shoreline Master Program.

16.10.480 Shoreline modifications.

16.10.500 Shoreline stabilization.

16.10.510 Shorelines.

16.10.520 Shorelines of statewide significance.

16.10.530 Shorelines of the state.

16.10.540 Sign.

16.10.550 Significant vegetation removal.

16.10.560 Solid waste.

16.10.570 Substantial development.

16.10.580 Utilities and utility facilities.

16.10.590 Water-dependent use.

16.10.600 Water-related use.

16.10.610 Water-enjoyment use.

16.10.620 Water-oriented use.

16.10.630 Water transmission pipeline.

16.10.640 Wetlands.

**16.10.010 Applicability of RCW and WAC definitions.**

The definitions contained in this chapter, KMC Title 18 (zoning code), Chapter 90.58 RCW and Chapter 173-26 WAC shall apply within the shoreline jurisdiction. The definitions in Chapter 90.58 RCW and Chapter 173-26 WAC shall apply in shorelines if there is a conflict with the definitions contained in this title and KMC Title 18. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.020 Applicant.**

"Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.030 Access, public.**

"Public access" means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the state, and to view the water and the shoreline from adjacent locations. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.032 Accessory structure.**

"Accessory structure" means a structure that is incidental to the principal structure. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.035 Accessory use.**

"Accessory use" means a use that is incidental to a principal use. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.040 Aquaculture.**

"Aquaculture" means the culture or farming of fin fish, shellfish, algae or other plants or animals in fresh or marine waters. Excluded from the definition of aquaculture are related commercial or industrial uses such as wholesale or retail sales, or final processing, packing, or freezing. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.050 Associated wetlands.**

"Associated wetlands" means wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, formation by tidally influenced geohydraulic processes, presence of a surface connection, including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.070 Backfill.**

"Backfill" means the placement of earth material behind a retaining wall or structure. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.080 Berm.**

"Berm" means one or several linear mounds of sand and gravel at or landward of the ordinary high water mark which are normally stable because of material size or vegetation. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.090 Breakwater.**

"Breakwater" means an offshore structure, either floating or not, which may or may not be connected to the shore, such structure being designated to absorb and/or reflect back into the water body the energy of the waves. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.100 Bulkhead.**

"Bulkhead" means a solid or open pile wall of rock, concrete, steel or timber or other materials or a combination of these materials erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent wetlands and uplands from waves or currents. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.105 Channel migration zone.**

"Channel migration zone" means the area within which a river channel is likely to move over a period of time, and is therefore subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels. Channel relocation and stream meander areas as defined at KMC 18.55.750 are channel migration zones. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.107 Commercial development.**

"Commercial development" includes general services, business services, and retail, defined as follows:

A. General services includes general personal services, funeral home/crematory, cemetery/columbarium/mausoleum, day care facilities, veterinary clinic, automotive repair, automotive services, vessel construction and outfitting, miscellaneous repair, churches/synagogues/temples, social services, stable, kennel/cattery, theatrical production services, artist studios, interim recycling facility, office/outpatient clinic, nursing and personal care facilities, hospital, medical/dental lab, miscellaneous health, and school district support facility.

B. Business services includes construction and trade, individual transportation and taxi, trucking and courier service, self-service storage, dry boat storage, commercial moorage, transportation service, freight or cargo service, passenger transportation service, communication offices, telegraph and other communications facilities, general business service, professional office, outdoor advertising service, miscellaneous equipment rental, automo-

tive rental and leasing, professional sport teams/promoters, research development and testing, and commercial/industrial accessory uses.

C. Retail includes building/hardware/garden materials, forest products sales, department and variety stores, food stores, agricultural product sales, motor vehicle and boat dealers, auto supply stores, gasoline service stations, apparel and accessory stores, furniture and home furnishings stores, eating and drinking places, drug stores, liquor stores, used goods shops, sporting goods and related stores, book/stationery/video/art supply stores, jewelry stores, monuments/tombstones/gravestones, hobby/toy/game shops, photographic and electronic shops, fabric shops, fuel dealers, florist shops, personal medical supply stores, pet shops, bulk retail, auction houses, livestock sales, and food vendors. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.110 Critical areas.**

"Critical areas" means any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat areas of importance, frequently flooded areas, geologically hazardous areas, streams, and wetlands, as defined in Chapter 36.70A RCW and this chapter. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.115 Critical freshwater habitat.**

"Critical freshwater habitat" shall refer to shorelines meeting the definition of "fish and wildlife habitat of importance" in KMC 18.55.520. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.120 Department.**

"Department" means the department of community development. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.130 Development.**

"Development" is defined in Chapter 90.58 RCW as now or hereafter amended. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.140 Director.**

"Director" means the director of the department of community development or an authorized designee. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.150 Dock.**

"Dock" means all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for

water-dependent recreation including, but not limited to, floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.160 Dredging.**

"Dredging" means the removal, displacement, and/or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.170 Ecological functions.**

"Ecological functions" or shoreline functions means the work performed or role played by the physical, chemical and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.180 Fill.**

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.185 Fish and wildlife habitat area of importance.**

"Fish and wildlife habitat area of importance" means those habitat areas that meet any of the following criteria:

A. Documented presence of species listed by the federal government or the state of Washington as endangered or threatened; or

B. Heron rookeries or active nesting trees; or

C. Class 1 wetlands as defined in KMC 18.55.300; or

D. Type 1 streams as defined in KMC 18.55.400; or

E. Bald eagle habitat protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

Swamp Creek, the Sammamish River, and Lake Washington are all fish and wildlife habitat areas of importance. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.190 Float.**

"Float" means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the waters of the city of Kenmore and which is not connected to the shoreline. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.200 Floating home.**

"Floating home" means a houseboat, boat or building constructed on a float, used in whole or in part for human habitation as a dwelling unit, and which is moored, anchored, or otherwise secured in waters within the city of Kenmore. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.210 Floodplain.**

"Floodplain" is synonymous with "100-year floodplain" and means the land area that may be inundated by the base flood of a river or stream. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.220 Floodway.**

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which floodwaters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetation ground cover condition. The floodway shall not include lands that can reasonably be expected to be protected from floodwaters by flood control devices maintained by or maintained under license from the federal government, the state, or the county. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.230 Grading.**

"Grading" means the addition, excavation, movement, or redistribution of soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.235 Government services.**

"Government services" means a public agency or utility office, public agency or utility yard, public agency archives, court, police facility, fire facility, caretaker residence/accessory, city government offices, elementary school, middle/junior high school, secondary/high school, specialized instruc-

tion school, K-12 educational institutions (public or private), and colleges/universities. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.240 Groin.**

"Groin" means a barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.250 Hatchery.**

"Hatchery" means a facility for the rearing and/or holding of fish, the design of which is compatible with the natural environment and contains minimal development necessary for fish propagation. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.260 Height.**

"Height" shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.270 Jetty.**

"Jetty" means an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.275 Live-aboard.**

"Live-aboard" means a licensed vessel that is used as a primary residence. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.280 Marina.**

"Marina" means a marine retail sales and service use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.285 Manufacturing uses.**

"Manufacturing uses" means production of food and kindred products, winery/brewery, apparel and other textile products, wood products, furniture and fixtures, leather and leather goods, stone/clay/glass/concrete products, computer and

office equipment, electronic and other electric equipment, measuring and controlling instruments, printing and publishing, miscellaneous light manufacturing, tire retreading, movie production and distribution, and commercial barge loading and unloading facility. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.290 Nonconforming structure.**

"Nonconforming structure" means a structure that was lawfully constructed prior to the effective date of these regulations, but which no longer conforms to the applicable regulations of the master program. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.300 Nonconforming use.**

"Nonconforming use" means a use that was lawfully established prior to the effective date of these regulations, but which no longer conforms to the applicable regulations of the master program. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.310 No net loss.**

Per WAC 173-26-201(2)(c), the concept of "no net loss" of shoreline ecological functions means that the Kenmore Shoreline Master Program provisions shall, to the greatest extent feasible, protect existing shoreline ecological processes and functions and avoid new adverse impacts to ecological processes and functions. The term "net," as used herein, recognizes that any development has potential for short-term or long-term impacts and that through application of appropriate development standards, avoidance of impacts and use of mitigation measures, those impacts will not diminish the shoreline resources and values as they currently exist. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.320 Non-water-oriented uses.**

"Non-water-oriented uses" means those uses that are not water-dependent, water-related or water-enjoyment. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.330 Normal protective bulkhead common to single-family residences.**

"Normal protective bulkhead common to single-family residences" means a bulkhead constructed on a building site zoned to permit one single-family residence and containing one single-family residence. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.340 Open space, required.**

"Required open space" means a portion of the area of a building site, which is required by this title, as set forth in different designations contained in this title, to be maintained as open area to be available for use by the persons specified in a development. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.350 Ordinary high water mark.**

"Ordinary high water mark" means the ordinary high water mark as defined in Chapter 90.58 RCW as now or hereafter amended. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.355 Park/recreation recreational/cultural uses.**

"Park/recreation recreational/cultural uses" means destination resorts, recreational vehicle park, theater, drive-in theater, bowling center, amusement and recreation services, amusement arcades, amusement park, library, museum, conference center, arboretum, cultural facilities, indoor recreational facilities (including sports clubs), open space, outdoor recreational facilities, parks, trails, wildlife shelter, and outdoor performance center. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.360 Pier.**

"Pier" means any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.370 Port.**

"Port" means public or private facilities for transfer of cargo or passengers from waterborne craft to land and vice versa; including, but not limited to: piers, commercial float plane moorages, offshore loading or unloading buoys, ferry terminals, and required dredged waterways, moorage basins, and equipment for transferring cargo or passengers between land and water modes. Excluded from this definition and addressed elsewhere are airports, marinas, boat ramps or docks used primarily for recreation, cargo storage and parking areas not essential for port operations, boat building or repair. The latter group is considered industrial or accessory to other uses. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.380 Recreational development.**

"Recreational development" means a private or public development operated and devoted to facilities and equipment for recreational purposes, including but not limited to swimming pools, tennis courts, playgrounds, picnic areas, campgrounds, resorts and other similar uses whether the use of such area is limited to those paying a fee or free to the public. Also see definition for "park/recreation recreational/cultural uses." [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.390 Redesignation.**

"Redesignation" means a change in the shoreline environment designation by the procedures provided in Chapter 16.75 KMC. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.395 Residential development.**

"Residential development" includes single-family and multiple-family dwellings, group residences, temporary lodging, and uses that are accessory to residential development.

A. "Dwelling, single-family" means a detached residence for one family.

B. "Dwelling, multiple-family" means a townhouse, apartment, and mobile home parks.

C. "Group residences" means community residential facilities, dormitory, and senior assisted housing.

D. "Temporary lodging" means hotel/motel, bed and breakfast guesthouse, and organization hotel/lodging houses.

E. "Accessory uses" means residential accessory uses, home occupation, and home industry. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.400 Restoration.**

"Restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.410 Riprap.**

"Riprap" means hard angular quarry rock used for revetments or other bank stabilization projects. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.420 Sediment.**

"Sediment" means material settled from suspension in a liquid medium. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.430 Shall.**

"Shall" means a mandate; the action must be done. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.440 Should.**

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of Chapter 90.58 RCW and Chapter 173-26 WAC, against taking the action. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.445 Shoreline buffer.**

"Shoreline buffer" means a required vegetation conservation area measured horizontally upland from and perpendicular to the ordinary high water mark, as described in KMC 16.65.020. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.450 Shorelands.**

"Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams and lakes that are subject to the provisions of Chapter 90.58 RCW. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.460 Shoreline environment.**

"Shoreline environment" or "shoreline environment designation" means the categories of shorelines of the state established by the city of Kenmore shoreline management master program to differentiate between areas whose features imply differing objectives regarding their use and future development. [Ord. 12-0334 § 3 (Exh. 1).]

**16.10.470 Shoreline Master Program.**

A. "Shoreline Master Program" consists of the following two elements:

1. Shoreline management goals and policies contained in the shoreline subelement of the Kenmore comprehensive plan. The shoreline management goals and policies constitute the official policy of Kenmore regarding areas of the city subject to shoreline management jurisdiction under Chapter 90.58 RCW;

2. The shoreline regulations specified in this chapter.

B. The following technical and planning information provides a foundation for shoreline policies and regulations, and is intended to aid in implementing and evaluating the Shoreline Master Program:

1. The shoreline protection and restoration plan;

2. The cumulative impacts analysis, which provides a mechanism for examining the success of meeting the requirement for no net loss of ecological functions;

3. The Shoreline Master Program checklist and public involvement process, which shows how Kenmore meets the procedural requirements for updating the Shoreline Master Program; and

4. The shoreline inventory and characterization, which includes data and analytic methods used to develop Kenmore's shoreline inventory and shoreline characterization. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.480 Shoreline modifications.**

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, fill, bulkhead, or other shoreline structure. Shoreline modifications can include other actions, such as clearing, grading, or application of chemicals. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.500 Shoreline stabilization.**

"Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include installation or expansion of structures, such as bulkheads, jetties, groins or vegetation, and nonstructural methods, such as relocation of the structure to be protected, or groundwater management. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.510 Shorelines.**

"Shorelines" means lakes greater than 20 acres and rivers and streams with a minimum of 20 cubic feet per second mean annual flow, including the entire water body waterward from the ordinary high water mark from its centerline or point, all water below the surface and associated shorelands. Kenmore shorelines are shown on the adopted map

entitled Kenmore Shoreline Environment Designations (attached to Ord. 12-0334 as Exhibit 2, and incorporated by reference). If there is a discrepancy between the map and the criteria established in this section, the criteria shall constitute the official Kenmore shoreline jurisdiction. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.520 Shorelines of statewide significance.**

"Shorelines of statewide significance" means those shorelines described in RCW 90.58.030(2)(e) which are within the city of Kenmore. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.530 Shorelines of the state.**

"Shorelines of the state" means the total of all shorelines and shorelines of statewide significance within the city of Kenmore. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.540 Sign.**

"Sign" means any letters, figures, design, symbol, light, structure, billboard, trademark or device intended or used to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine, merchandise or thing. Excluded from definition and regulation by this title are official traffic signs or signals, official public notices, signs required by law, warning signs, the flag of a government or noncommercial institution such as schools and temporary signs worn or carried by people. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.550 Significant vegetation removal.**

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, burning, chemical means, or other activity that causes significant adverse ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.560 Solid waste.**

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage, ashes, industrial wastes,

swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.570 Substantial development.**

“Substantial development” means any development which requires a shoreline management substantial development permit, as defined in RCW 90.58.030(3)(e) as now or hereafter amended. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.580 Utilities and utility facilities.**

“Utilities” means all lines and facilities related to the distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power or refuse. Utility facilities include telephone exchanges, water pumping or treatment stations or distribution systems, electrical substations, water storage reservoirs or tanks, municipal groundwater well-fields, natural gas gate stations and limiting stations, propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users, electrical wires and associated structural supports, private and public stormwater management facilities, nonregional stormwater management facility, and vector waste receiving facility. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.590 Water-dependent use.**

“Water-dependent use” or “water-dependent development” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.600 Water-related use.**

“Water-related use” or “water-related development” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

B. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.610 Water-enjoyment use.**

“Water-enjoyment use” means a recreation use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.620 Water-oriented use.**

“Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.630 Water transmission pipeline.**

“Water transmission pipeline” means a facility having as its primary purpose the transmission of water by a municipal purveyor for sale for domestic, commercial, and industrial use. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.10.640 Wetlands.**

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.15****SHORELINE ENVIRONMENT  
DESIGNATIONS****Sections:**

- 16.15.010 Purpose.
- 16.15.020 Names of shoreline environment designations.
- 16.15.030 Limits of shoreline environment designations.

**16.15.010 Purpose.**

A. The purpose of shoreline environment designations is to differentiate between areas whose geographical, hydrological, topographical or other features imply differing objectives regarding the use and future development of the shorelines of the state.

B. Each shoreline environment designation represents a particular emphasis in the type of uses, type of modifications, and the density and dimensions of development which should occur within it. The environment designation system is designed to encourage uses in each environment which enhance or are compatible with the character of the environment while at the same time requiring reasonable standards and restrictions on development so that the character of the environment is not adversely impacted. [Ord. 12-0334 § 3 (Exh. 1).]

**16.15.020 Names of shoreline environment designations.**

In order to accomplish the goals, policies, and regulations of the Kenmore Shoreline Master Program, the following shoreline environment designations have been established:

- A. Downtown Waterfront Environment.
- B. Shoreline Residential Environment.
- C. Urban Conservancy Environment.
- D. Natural Environment.
- E. Aquatic Environment. [Ord. 12-0334 § 3 (Exh. 1).]

**16.15.030 Limits of shoreline environment designations.\***

The shoreline environment designations are included on Map 1, entitled Shoreline Environment Designations Map. If there is a discrepancy between Map 1 and the criteria established in the Kenmore comprehensive plan for shoreline environment designations, the criteria shall constitute the official Kenmore shoreline environment designations.

Any parcel of land included within the shoreline jurisdiction without a shoreline environment designation shall be considered Urban Conservancy Environment. [Ord. 12-0334 § 3 (Exh. 1).]

\*Code reviser's note: The Shoreline Environment Designations Map is adopted by Section 4 of Ord. 12-0334, attached as Exhibit 2, and incorporated into KMC Title 16 by reference.

**Chapter 16.20****DOWNTOWN WATERFRONT  
ENVIRONMENT****Sections:**

- 16.20.010 Purpose.  
16.20.020 Designation criteria.

**16.20.010 Purpose.**

The purpose of the Downtown Waterfront Environment is to provide for mixed urban water-oriented uses, public access and recreation while protecting existing ecological functions. [Ord. 12-0334 § 3 (Exh. 1).]

**16.20.020 Designation criteria.**

The shoreline along the contiguous downtown waterfront that is zoned regional business in KMC Title 18 and does not meet the requirement for Urban Conservancy or Shoreline Residential designation is to be assigned the Downtown Waterfront Environment designation. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.25****SHORELINE RESIDENTIAL  
ENVIRONMENT****Sections:**

- 16.25.010 Purpose.  
16.25.020 Designation criteria.

**16.25.010 Purpose.**

The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures. An additional purpose is to provide appropriate public access and recreational uses within new multifamily developments or on public property. [Ord. 12-0334 § 3 (Exh. 1).]

**16.25.020 Designation criteria.**

The Shoreline Residential Environment designation should be assigned to shoreline areas if they are predominantly developed for single-family or multifamily residential uses or are planned and platted for residential development, and the shoreline areas do not meet the criteria for other designations. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.30****URBAN CONSERVANCY ENVIRONMENT****Sections:**

16.30.010 Purpose.

16.30.020 Designation criteria.

**16.30.010 Purpose.**

The purpose of the Urban Conservancy Environment is to protect and restore ecological functions of open space, streams, wetlands, and floodplains, including areas below the ordinary high water mark in Swamp Creek, while allowing a variety of compatible uses. [Ord. 12-0334 § 3 (Exh. 1).]

**16.30.020 Designation criteria.**

An Urban Conservancy Environment designation is assigned to shoreline areas planned for development that is compatible with maintaining or restoring ecological functions and areas that are not generally suitable for water-dependent uses, if any of the following characteristics apply:

A. The shoreline includes wetlands or exceptional riparian corridor that should not be more intensively developed;

B. The shoreline is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties;

C. The shoreline has been altered but retains important ecological functions;

D. The shoreline has potential for ecological restoration or is a restoration priority; or

E. The shoreline has potential for development that is compatible with ecological restoration. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.35****NATURAL ENVIRONMENT****Sections:**

16.35.010 Purpose.

16.35.020 Designation criteria.

**16.35.010 Purpose.**

The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered shorelines. Only low intensity uses are to be allowed in this environment to maintain existing ecological processes and functions. [Ord. 12-0334 § 3 (Exh. 1).]

**16.35.020 Designation criteria.**

A Natural Environment designation is assigned to shoreline areas if any of the following characteristics apply:

A. A relatively large, contiguous area of the shoreline is in public ownership and ecologically intact or minimally altered;

B. The shoreline represents ecological processes or functions that provide educational or scientific opportunities; or

C. The shoreline is unable to support active uses or development without significant adverse impacts to ecological functions. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.40****AQUATIC ENVIRONMENT**

## Sections:

16.40.010 Purpose.

16.40.020 Designation criteria.

**16.40.010 Purpose.**

The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of navigable areas waterward of the ordinary high water mark on the Sammamish River and Lake Washington. [Ord. 12-0334 § 3 (Exh. 1).]

**16.40.020 Designation criteria.**

Lake Washington and the Sammamish River below the ordinary high water mark are to be designated as Aquatic Environment. In Lake Washington, the Aquatic Environment extends to the centerline of the lake. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.45****GENERAL SHORELINE DEVELOPMENT STANDARDS**

## Sections:

16.45.010 General shoreline development requirements.

**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 protection and 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 is prohibited, except that milfoil may be removed using

chemicals; 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 habitat conservation areas, including, but not limited to, spawning, nesting, rearing and habitat areas, and migratory routes. Where avoidance of adverse impacts is not practicable, the director 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 mea-

sures 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 by erosion from drainage, high water or other means into any water body.

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

15. 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:

a. 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 director 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 director 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 director 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.

b. 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 arti-

facts 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 director 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 director 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 director 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 director 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.

c. 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 director and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washing-

ton 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.

17. Heating and cooling equipment may not be placed in waters of the state. [Ord. 12-0334 § 3 (Exh. 1).]

**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 Public boat launching facilities and marinas.
- 16.50.060 Public access.
- 16.50.070 Recreation.
- 16.50.080 Utility facilities.
- 16.50.085 Transportation uses.
- 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 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 may be permitted as conditional uses in the shoreline jurisdiction, provided the use meets the criteria for a shoreline conditional use permit.

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. Uses existing as of March 30, 2012, that do not conform to these regulations may be continued subject to the provisions of this chapter. [Ord. 12-0334 § 3 (Exh. 1).]

**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 environments 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 environments 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 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 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 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.

4. If a number appears after the letter "P" or "C" 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.

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed within that shoreline environment subject to different sets of limitations or criteria depending on the review process indicated by the letter, the specific development criteria indicated in the development condition with the corresponding number immediately following the table, and only if KMC Title 18 allows the use. [Ord. 12-0334 § 3 (Exh. 1).]

**16.50.030 Shoreline use table and conditions.****A. Shoreline Use Table.****Shoreline Use Table**

| <b>KEY</b><br>P – Permitted Use<br>C – Shoreline Conditional Use                       | <b>DOWNTOWN WATERFRONT</b> | <b>SHORELINE RESIDENTIAL</b> | <b>URBAN CONSERVANCY</b> | <b>NATURAL</b> | <b>AQUATIC</b> |
|----------------------------------------------------------------------------------------|----------------------------|------------------------------|--------------------------|----------------|----------------|
| <b>Aquaculture</b>                                                                     |                            |                              |                          |                |                |
| Aquaculture uses                                                                       | X                          | X                            | X                        | X              | C1             |
| <b>Commercial Development</b>                                                          |                            |                              |                          |                |                |
| General services                                                                       | P2, X2                     | X                            | P2, 3, X2                | X              | C2             |
| Business services                                                                      | P2, X2                     | X                            | P2, 3, X2                | X              | C2             |
| Retail                                                                                 | P2, X2                     | X                            | P2, 3, X2                | X              | C2             |
| Mining                                                                                 | X                          | X                            | X                        | X              | X              |
| Principal use parking                                                                  | X                          | X                            | X                        | X              | X              |
| <b>Government Services</b>                                                             |                            |                              |                          |                |                |
| Government services                                                                    | P4                         | P4                           | P4                       | P4             | C4             |
| <b>Manufacturing</b>                                                                   |                            |                              |                          |                |                |
| Manufacturing uses                                                                     | P2                         | X                            | X                        | X              | X              |
| <b>Park/Recreation</b>                                                                 |                            |                              |                          |                |                |
| Recreational/cultural                                                                  | P5                         | P6                           | P6                       | P7             | C5             |
| Marinas (recreational boat moorage)                                                    | P8                         | X                            | P                        | X              | P              |
| Public boat launch                                                                     | P                          | X                            | P, C9                    | X              | P              |
| Golf course                                                                            | X                          | X                            | C                        | X              | X              |
| <b>Residential Development</b>                                                         |                            |                              |                          |                |                |
| Dwelling units, single detached                                                        | X                          | P                            | P                        | C              | P10            |
| Dwelling, multiple-family                                                              | P2                         | P                            | P2                       | X              | X              |
| Mobile home park                                                                       | X                          | C                            | X                        | X              | X              |
| Group residences                                                                       | P2                         | P                            | P                        | C              | X              |
| Accessory uses                                                                         | P                          | P                            | P                        | C              | X              |
| Temporary lodging                                                                      | P2                         | X                            | X                        | X              | X              |
| <b>Regional Land Uses</b>                                                              |                            |                              |                          |                |                |
| Airport/heliport or helistop                                                           | C, X17                     | X                            | X                        | X              | C, X17         |
| Ferry terminal                                                                         | C                          | X                            | X                        | X              | C              |
| Highway and street, except for in-water uses                                           | C11                        | C11                          | C11                      | C11            | C11            |
| Commuter parking                                                                       | C16                        | X                            | X                        | X              | X              |
| Wastewater treatment facility and municipal water production, except for in-water uses | C8, 12                     | C8, 12                       | X                        | X              | X              |

**Shoreline Use Table (Continued)**

| <b>KEY</b><br>P – Permitted Use<br>C – Shoreline Conditional Use                     | <b>DOWNTOWN WATERFRONT</b> | <b>SHORELINE RESIDENTIAL</b> | <b>URBAN CONSERVANCY</b> | <b>NATURAL</b> | <b>AQUATIC</b> |
|--------------------------------------------------------------------------------------|----------------------------|------------------------------|--------------------------|----------------|----------------|
| Regional stormwater management facilities                                            | P13                        | P13                          | P13                      | P13            | X              |
| <b>Utilities</b>                                                                     |                            |                              |                          |                |                |
| Utility facility, except for in-water uses                                           | P13                        | P13                          | P13                      | P13            | X              |
| <b>In-Water Structural Uses</b>                                                      |                            |                              |                          |                |                |
| In-water wastewater treatment facility, in-water municipal water production facility | X                          | C12                          | C12                      | C12            | C12            |
| In-water utility facilities                                                          | X                          | C13                          | C13                      | C13            | C13            |
| In-water and overwater highway and street facilities                                 | X                          | C11, 14                      | C11, 14                  | C11, 14        | C11, 14        |
| In-water fish and wildlife management, except aquaculture                            | X                          | C                            | C                        | C              | C              |
| <b>Signs</b>                                                                         |                            |                              |                          |                |                |
| Signs                                                                                | P15                        | P15                          | P15                      | P15            | P15            |

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. Water-dependent and water-related commercial and manufacturing uses shall be permitted. Public access improvements consistent with this chapter are required for all commercial and manufacturing uses, unless precluded by public safety considerations. Non-water-dependent and non-water-related residential, commercial, and manufacturing uses shall be permitted only if the use meets the standards of subsections (a), (b), (c) and (d) below:

a. The development is:

(1) 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 shore-

line 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

(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 stream buffer provisions of the Kenmore SMP and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek;

b. The non-water-oriented uses are located on land; and

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

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

(2) Public access;

(3) Water-oriented recreation;

(4) Multimodal, water-dependent transportation circulation;

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

(6) Preservation of historic properties;

d. The development does not include the following uses, which are prohibited in the shoreline: funeral home/crematory; veterinary clinic; cemetery/columbarium/mausoleum; automotive repair; automotive services; stable/kennel/cattery; hospital; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; gasoline service stations; fuel dealers; auction houses; livestock sales; amusement park; drive-in theater; public agency or utility yard; and propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users.

3. New commercial uses may be permitted only if allowed in the underlying zoning, and if public access is provided and the project includes ecological enhancement consistent with KMC 16.60.010. Existing non-water-dependent commercial uses may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

4. Only the water-dependent portion of the use shall be allowed in the shoreline environment, except as provided in this section for utility uses.

5. In Downtown Waterfront and Aquatic Environments, water-oriented recreational uses including parks and public access trails and facilities may be allowed; provided, that in the Downtown Waterfront minor non-water-oriented accessory uses such as children's play equipment, picnic tables, or outdoor exercise course equipment may also be allowed if they meet the other requirements of this chapter. All other recreational uses shall be prohibited.

6. In Urban Conservancy and Shoreline Residential Environments, parks and trails shall be allowed. All other recreational uses shall be prohibited.

7. In the Natural Environment, water-oriented passive and low-impact recreational uses shall be allowed. All other recreational uses shall be prohibited.

8. Wastewater treatment facilities, and municipal water production uses, except for in-water uses, shall be allowed only on Lake Washington shorelines. The listed wastewater treatment

facilities, municipal water production facilities, and marinas are prohibited on shorelines of the Sammamish River and Swamp Creek.

9. A boat launch that accommodates motorized vehicles for launching vessels is a conditional use in the Urban Conservancy Environment. Facilities for hand launching of nonmotorized vessels may be allowed as permitted uses.

10. New overwater residences 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.

11. New highway and street construction is allowed only if:

a. There is no feasible alternate location;

b. Pedestrian, bicycle and public transport needs are addressed; and

c. When located in the Natural Environment, the use is low-intensity transportation infrastructure; parking facilities are prohibited in the Natural Environment unless supporting a water-dependent use.

12. The water-dependent and in-water portions of wastewater treatment and municipal water production facilities may be allowed as a conditional use.

13. 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.

14. 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.

15. Signs may be permitted subject to the provisions of the underlying zoning and provided:

a. Signs shall not be erected nor painted on trees, rocks or other natural features.

b. Glare from artificial lighting of signs shall be shielded or directed away from adjacent properties and the water.

c. Signs waterward of the ordinary high water mark adjacent to the Downtown Waterfront Environment shall be permitted only to the extent necessary for the operation of a permitted water-dependent use, provided no such sign shall be larger than five square feet.

d. In the Shoreline Residential, Urban Conservancy and Natural Environments, signs are not allowed except for signs of not more than five square feet within public parks or trails.

e. Signs to protect public safety or prevent trespass may be allowed and should be limited in size and number to the maximum extent practical.

16. Commuter parking may only be allowed if it is designed to serve a passenger ferry system.

17. Helistops and heliports are prohibited in all environments.

**C. Accessory Uses.**

1. Any principal use permitted in a specific shoreline environment either outright or as a special use or conditional use shall also be permitted as an accessory use outright or as a conditional use.

2. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices, and outdoor storage areas. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

3. 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 be permitted over water according to subsection A of this section only if either:

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

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

4. 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 director determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available.

5. Piers, floats, pilings, breakwaters, dry-docks 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.

6. 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. [Ord. 12-0334 § 3 (Exh. 1).]

**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. [Ord. 12-0334 § 3 (Exh. 1).]

**16.50.050 Public boat launching facilities and marinas.**

Public boat launching facilities and marinas, including docks serving more than four single-family residences, 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. Where the facility is developed in conjunction with restoration of like habitat areas, improvements in one area may be applied to mitigate impacts that would result from new facilities;

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. The marina shall be sited and designed to protect rights of navigation;

E. The 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 16.50.060;

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. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.50.060 Public access.**

Public access shall be required for public projects and development on public lands (KMC 16.45.010(B)(16)), commercial and manufacturing uses (KMC 16.50.030(B)(2)), boating facilities and marinas (KMC 16.50.050), multifamily development (KMC 16.50.090(A)(1)), and land divisions of more than four lots (KMC 16.50.090(A)(2)). For 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.

A. 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.

B. 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.

C. Where public access is required, the director shall prepare written findings demonstrating that the conditions imposed are consistent with the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

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

E. Trails and other public access improvements are subject to the standards for recreational uses in KMC 16.65.020 and the vegetation management standards in KMC 16.60.020(B).

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

1. Short plats of four or fewer lots;

2. Where public access is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment; or

3. Where constitutional or other legal limitations apply. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.50.070 Recreation.**

A. Recreational development in all environments must meet the following standards:

1. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities waterward of the ordinary high water

mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in KMC 16.55.050.

2. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical.

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 director to ensure public safety.

4. Public access trails within the shoreline shall be regulated by the provisions of KMC 16.50.060.

B. In the Natural Environment, recreational uses shall meet the following standards:

1. 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;

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

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

4. 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. [Ord. 12-0334 § 3 (Exh. 1).]

#### **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 impact on salmon migratory habitat;

B. Water intakes shall not be permitted near fish spawning, migratory, 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. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.50.085 Transportation uses.**

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

B. Bridges, when necessary, should span open water and floodways.

C. Roadways and bridges should be designed to avoid placement of fill or structures that would restrict floodplain capacity or limit channel migration. If transportation facilities are anticipated to impact floodplains or channel migration zones, mitigation sequencing as specified in Chapter 18.55 KMC shall be employed to avoid and mitigate for impacts.

D. 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.

E. Transportation uses shall employ mitigation sequencing specified in Chapter 18.55 KMC to avoid and mitigate for impacts to critical areas.

F. 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. [Ord. 12-0334 § 3 (Exh. 1).]

**16.50.090 Residential uses.**

A. Public access to the shoreline shall be required for the following residential developments:

1. Multiple-family dwelling unit developments, including mixed use developments that contain multiple-family dwelling units; and
2. New subdivisions of more than four lots.

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 a dock or beach may be allowed in the vegetation conservation areas described in Chapter 16.60 KMC, but shall be limited to the minimum necessary to provide pedestrian access.

6. Private boat ramps serving a single residence shall not be located in vegetation conservation areas described in Chapter 16.60 KMC. [Ord. 12-0334 § 3 (Exh. 1).]

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

A. 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 within the channel migration zone 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. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.55****SHORELINE MODIFICATIONS****Sections:**

- 16.55.010 General shoreline modifications.  
 16.55.020 Interpretation of shoreline modifications table.  
 16.55.030 Shoreline modifications table and conditions.  
 16.55.040 Shoreline stabilization.  
 16.55.050 Docks, piers, moorage, buoys, floats or launching facilities.  
 16.55.060 Grading, dredging, dredge material disposal and filling.

**16.55.010 General shoreline modifications.**

The shoreline modifications chapter shall not be used to authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction must comply with all relevant city code provisions and with the Kenmore Shoreline Master Program. [Ord. 12-0334 § 3 (Exh. 1).]

**16.55.020 Interpretation of shoreline modifications table.**

The shoreline modification table in KMC 16.55.030 determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

A. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment only if the underlying zoning allows the modification.

B. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in Chapter 16.75 KMC, and only if the underlying zoning allows the modification.

C. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section, the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply.

D. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number in KMC 16.55.030(B), and only if the underlying zoning allows the modification. [Ord. 12-0334 § 3 (Exh. 1).]

**16.55.030 Shoreline modifications table and conditions.****A. Shoreline Modifications Table.****Shoreline Modifications Table**

| <b>KEY</b><br><b>P</b> – Permitted Modification<br><b>C</b> – Shoreline Conditional Use<br>Required<br>Shoreline modifications are<br>allowed only if the underlying<br>zoning allows the<br>modification | <b>DOWNTOWN</b>   | <b>SHORELINE</b>   | <b>URBAN</b>       |                |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|--------------------|----------------|----------------|
|                                                                                                                                                                                                           | <b>WATERFRONT</b> | <b>RESIDENTIAL</b> | <b>CONSERVANCY</b> | <b>NATURAL</b> | <b>AQUATIC</b> |
| <b>Shoreline stabilization</b>                                                                                                                                                                            |                   |                    |                    |                |                |
| Shoreline stabilization, not<br>including flood protection<br>facilities                                                                                                                                  | P1                | P1                 | C1                 | C1             | C1, P1         |

Shoreline Modifications Table (Continued)

| <b>KEY</b><br><b>P</b> – Permitted Modification<br><b>C</b> – Shoreline Conditional Use<br><b>Required</b><br>Shoreline modifications are<br>allowed only if the underlying<br>zoning allows the<br>modification | <b>DOWNTOWN<br/>WATERFRONT</b> | <b>SHORELINE<br/>RESIDENTIAL</b> | <b>URBAN<br/>CONSERVANCY</b> | <b>NATURAL</b> | <b>AQUATIC</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------|------------------------------|----------------|----------------|
| Repair or maintenance of shoreline stabilization facilities                                                                                                                                                      | P2                             | P2                               | P2                           | P2             | P2             |
| Flood protection facilities                                                                                                                                                                                      | P3                             | P3                               | P3                           | C3             | P3             |
| <b>Piers and docks</b>                                                                                                                                                                                           |                                |                                  |                              |                |                |
| Docks, piers, moorage, buoys, floats or launching facilities                                                                                                                                                     | P4                             | P4                               | C4                           | C4             | C4, P4         |
| <b>Fill</b>                                                                                                                                                                                                      |                                |                                  |                              |                |                |
| Filling                                                                                                                                                                                                          | P5, C5                         | P5, C5                           | P5, C5                       | C5             | C5             |
| <b>Breakwaters, jetties, groins, and weirs</b>                                                                                                                                                                   |                                |                                  |                              |                |                |
| Breakwaters, jetties, groins and weirs                                                                                                                                                                           | C6                             | C6                               | C6                           | C6             | C6             |
| <b>Grading and dredging</b>                                                                                                                                                                                      |                                |                                  |                              |                |                |
| Grading, dredging, dredge material disposal                                                                                                                                                                      | P5, C5                         | P5, C5                           | P5, C5                       | C5             | C5             |
| <b>Shoreline habitat and natural systems enhancement projects</b>                                                                                                                                                |                                |                                  |                              |                |                |
| Habitat and natural systems enhancement projects                                                                                                                                                                 | P7                             | P7                               | P7                           | P7             | P7             |

B. Development Conditions (Footnotes for the Shoreline Modifications Table in Subsection A of this Section).

1. Shoreline stabilization, including bulkheads, shall be permitted only when it has been demonstrated that stabilization is necessary to protect existing legally established primary structures, public improvements, proposed or existing water-dependent development, or projects for the restoration of ecological functions or hazardous substance remediation, and must meet the standards in KMC 16.55.040. In the Aquatic Environment, stabilization requires conditional use approval, unless located adjacent to a Downtown Waterfront or Shoreline Residential Environment.

2. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents,

tidal action, or waves. Normal maintenance and repair is allowed; provided, that all work is conducted in a manner that does not cause a net loss of ecological functions.

3. Flood protection facilities must be consistent with the standards in Chapter 16.90 KMC, Flood Damage Prevention, Chapter 18.55 KMC, and the Integrated Stream Protection Guidelines (Washington Departments of Fish and Wildlife, Ecology, and Transportation, 2003).

4. Docks, piers, moorage, buoys, floats or launching facilities shall meet the standards in KMC 16.55.050 and are allowed only for:

- a. Water-dependent uses;
- b. Public access;
- c. Single detached residential units;
- d. Joint use facilities for multiple-family dwelling unit developments; or

e. Water-related or water-enjoyment uses only as part of a mixed use development and only if auxiliary to and in support of a water-dependent use.

In the Aquatic Environment, docks, piers, moorage, buoys, floats and/or launching facilities require conditional use approval, unless located adjacent to a Downtown Waterfront or Shoreline Residential Environment.

5. Excavation, dredging and filling must meet the standards in KMC 16.55.060. Fill placed waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities requires a conditional use permit. Disposal of dredged material within shorelands or wetlands within the shoreline jurisdiction requires a conditional use permit.

6. Breakwaters, jetties, groins and weirs are only allowed where necessary to support water-dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.

7. Shoreline habitat and natural systems enhancement projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large woody debris, dredging and filling, provided the primary purpose is clearly restoration of the natural character and ecological functions of the shoreline. Mitigation actions identified through biological assessments required by the NOAA Fisheries Service and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large woody debris, dredging and filling. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.55.040 Shoreline stabilization.**

Shoreline stabilization may be permitted subject to the standards in this chapter, provided:

A. The applicant has demonstrated the following in order to construct new shoreline stabilization:

1. A geotechnical analysis demonstrates that erosion from waves or currents is imminently threatening and that damage is expected to occur within three years if the shoreline stabilization is not constructed;

2. The erosion rate exceeds that which would normally occur in a natural condition;

3. The erosion is not caused by upland conditions on the project site;

4. The proposed shoreline stabilization is the least hardened solution that is feasible to protect the structures or improvements, including consideration of nonstructural alternatives such as slope drainage systems, vegetative growth stabilization, and gravel berms;

5. The proposal is the minimum necessary to protect existing legally established primary structures, new non-water-dependent development, existing water-dependent development or projects for the restoration of ecological functions or hazardous substance remediation;

6. The proposed shoreline stabilization does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions; and

7. Adequate mitigation measures that maintain existing shoreline processes and critical fish and wildlife habitat will be provided that ensure no net loss or function of riparian habitat.

B. Shoreline stabilization to replace existing shoreline stabilization shall be placed landward of any existing shoreline stabilization, except that it may be placed waterward directly abutting the old structure only in cases where the existing bulkhead was installed prior to January 1, 1992, and removal of the old structure would result in greater impact on ecological functions.

C. The maximum height of the proposed shoreline stabilization shall be no more than four feet in height on Lake Washington.

D. Shoreline stabilization shall minimize the adverse impact on the property of others to the maximum extent practical.

E. Shoreline stabilization shall not be used to create new lands.

F. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body.

G. Automobile bodies or other junk or waste material which may release hazardous substances shall not be used for shoreline stabilization.

H. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and shall not substantially interfere with visual access to the water.

I. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.

J. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines (Washington Departments of Fish and Wildlife, Ecology, and Transportation, 2003) and shall be designed to allow for appropriate public access to the shoreline. [Ord. 12-0334 § 3 (Exh. 1).]

**16.55.050 Docks, piers, moorage, buoys, floats or launching facilities.**

A. Any dock, pier, moorage, buoy, float or launching facility authorized by this chapter shall not interfere with navigation.

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

1. Docks, piers, moorage, buoys, floats or launching facilities shall not exceed the minimum size necessary to serve the use for which they are designed (see KMC 16.55.030(B)(4)).

2. Docks, piers, moorage, buoys, floats or launching facilities serving more than four single-family residences must also meet the standards in KMC 16.50.050.

3. Only joint use boat lift, dock, pier, moorage, buoys, float or launching facilities may be permitted for multiple-family dwelling unit development proposals.

4. Only one boat lift, dock, pier, moorage, buoy, float and launching facility may be permitted for each parcel developed with a single detached residential unit and only if the applicant demonstrates there is no other feasible option for shared use facilities. However, installation or retention of additional watercraft lifts beyond one, without a canopy, at a single residential use waterfront structure is allowed. A maximum of three lifts are allowed at a single residential use overwater structure. However, only two lifts can be ground-based; all other lift(s) must be floating or suspended lift(s).

5. Only joint use docks or piers are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a dock or pier.

6. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the ordinary high water mark.

7. No skirting is allowed on any structure.

8. Surface coverage (includes all overwater portions of the floats, ramps, and ells) shall be limited as follows:

a. Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet;

b. Moorage facilities serving two residential waterfront lots shall not exceed 700 square feet; and

c. Moorage facilities serving three or more residential waterfront lots shall not exceed 1,000 square feet.

9. To protect anadromous salmon habitat, the following shall apply:

a. Docks with configurations that do not include any or all of the following elements shall be subject to the overall length and square footage limitations of this section and no portion of the dock shall exceed four feet in width, unless allowed in this subsection;

b. Piers shall not exceed four feet wide and shall be fully grated;

c. Ramps shall not exceed three feet wide and shall be fully grated;

d. Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell; ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center; or ells may be up to six feet wide by 26 feet long with grating over the entire ell;

e. Floats are allowed only over water with depths of 10 feet or greater at the landward end of the float; and floats may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center;

f. In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark;

g. The first (nearest shore) piling shall be steel, four-inch piling and at least 18 feet waterward of the ordinary high water mark. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter;

h. Piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds. If ammoniacal copper zinc arsenate pilings are proposed, the applicant will meet all of the best management practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers; and

i. When steel piles are installed, approved sound attenuation measures must be used.

10. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be retained and new or expanded moorage facilities placed to avoid disturbance of such features.

11. Invasive aquatic weeds may be removed with nonchemical means only, except that milfoil may be removed using chemicals; provided, that the chemicals are applied by a licensed applicator and approved for aquatic use.

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

13. No private moorage or other structure waterward of the ordinary high water mark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in height measured from the ordinary high water mark.

14. Proposals to repair existing legally established moorage facilities where the nature of the repair is not described in KMC 16.55.030 shall be considered minor repairs and are permitted, consistent with any applicable standards of this title, KMC Title 18 and any other applicable codes or regulations.

15. No covered boat lift, dock, pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark, except as provided below:

a. Submerged, free-standing mechanical boat lifts associated with single detached residential docks or piers and recreational watercraft may be covered with a canopy, provided:

(1) No canopy shall be more than 25 feet in length or wider than 15 feet;

(2) No portion of the canopy shall exceed a height of 12 feet above the ordinary high water mark;

(3) The canopy shall at no time have any side partly or wholly enclosed;

(4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;

(5) Canopies shall be made out of canvas or other such nontoxic materials;

(6) Canopies shall be of a translucent material to allow light transmission;

(7) The total overwater coverage of the piers, floats, ramps, ells, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and

(8) Only one boat lift canopy per single detached residence shall be allowed.

b. Covered moorage may be provided for commercial boat repair facilities.

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

17. Buoys shall meet the following conditions:

a. Buoys shall not impede navigation;

b. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float structures;

c. Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat;

d. No more than four buoys per acre are allowed.

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

management plan to determine whether the project is adequately protective. [Ord. 12-0334 § 3 (Exh. 1).]

**16.55.060 Grading, dredging, dredge material disposal and filling.**

Grading, dredging, dredge material disposal and filling must be consistent with Chapter 16.90 KMC and may be permitted in shorelines only as follows:

A. Fill may be permitted below the ordinary high water mark only:

1. When necessary to support a water-dependent use;

2. To provide for public access;

3. When necessary to mitigate conditions that endanger public safety, including flood risk reduction projects;

4. To allow for cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

5. To allow for the disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;

6. For expansion or alteration of transportation or utility facilities currently located on the shoreline and then only upon demonstration that alternatives to fill are not feasible; or

7. As part of mitigation actions, environmental restoration projects and habitat enhancement projects.

B. Grading, dredging, and filling shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and mitigation shall employ the mitigation sequence in KMC 18.55.210.

C. Dredging and dredged material disposal below the ordinary high water mark shall be permitted only:

1. When necessary for the operation of a water-dependent use;

2. When necessary to mitigate conditions that endanger public safety or fisheries resources;

3. For establishing, maintaining, expanding, relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigation uses when:

a. Significant ecological impacts are minimized;

b. Mitigation is provided, employing the mitigation sequence in KMC 18.55.210; and

c. Dredging is maintained to the existing authorized location, depth and width;

4. For restoration projects associated with implementation of the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or any enhancement or restoration project;

5. For flood risk reduction projects conducted in accordance with Chapter 16.90 KMC.

D. Dredging is not allowed waterward of the ordinary high water mark for the primary purpose of obtaining fill material.

E. Disposal of dredged material shall be done only in approved upland disposal sites and is not allowed within critical areas or their buffers.

F. Stockpiling of dredged material in or under water is prohibited.

G. In order to ensure that operations involving dredged material disposal and maintenance dredging are consistent with the Shoreline Master Program as required by RCW 90.58.140(1), no dredging may commence in any shoreline environment without the responsible person having first obtained either a substantial development permit or a statement of exemption. A statement of exemption or shoreline permit is not required prior to emergency dredging needed to protect property from imminent damage by the elements if a statement of exemption or substantial development permit is subsequently obtained following the procedures in Chapter 16.75 KMC.

H. The removal of gravel for flood management is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.60****VEGETATION CONSERVATION****Sections:**

- 16.60.010 Vegetation conservation areas.
- 16.60.020 Vegetation management within critical areas.
- 16.60.030 Vegetation management within Lake Washington shoreline buffers.

**16.60.010 Vegetation conservation areas.**

A. Shoreline buffers shall be considered vegetation conservation areas in which existing native vegetation is retained, unless removal is specifically allowed in this chapter or it can be demonstrated that another management approach would provide equal or better protection for shoreline ecological processes and functions. 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. Native and nonnative trees determined by the city to be hazardous or diseased may be removed. 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.

C. 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.

D. Landscaping plans for shoreline buffers associated with shoreline development regulated under the shoreline code must be prepared by a landscape architect or certified professional wetland scientist. Landscaping plans are not required for normal maintenance, including maintenance of existing nonconforming landscaping that complies with KMC 16.75.050.

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

F. 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.

G. When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer or a non-

water-dependent use is requested, the enhancement should be proportional to the degree of impact of the new structure on shoreline ecological functions, and take into account the degree to which the existing buffer has already been compromised. Enhancement should focus on restoring ecological functions that are most critical and that have been most diminished in the Kenmore shoreline. In approving any compensatory habitat enhancement plan, the director shall consider the 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 the project would cause. Enhancements should generally focus on offsetting these impacts but may focus on restoring other critical ecological functions in the shoreline that have been lost or diminished (such as placement of large woody debris in water or restoring shallow water habitat). The director may determine whether an enhancement that provides a broader benefit may be substituted for one that would offset the impacts of an individual project. The director 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 benefit. [Ord. 12-0334 § 3 (Exh. 1).]

**16.60.020 Vegetation management within critical areas.**

A. Vegetation management standards established in KMC 18.55.150(A)(5), 18.55.320(F)(5) and (6), 18.55.520(A)(2)(d) and (G), 18.55.530 and 18.55.650(A)(5) for critical areas and their buffers shall apply within all shorelines.

B. Vegetation management standards established in KMC 18.55.420 for streams and their buffers shall apply within Sammamish River and Swamp Creek shorelines. In addition to provisions for recreational uses in KMC 16.65.020 allowing limited modifications to critical area buffers for the purposes of public access improvements, the following standards shall apply in shorelines:

1. In Swamp Creek Park, public access trails may be located within critical areas and required buffers, when planned along with a habitat restoration project and it is demonstrated that the ecological functions of the overall standard stream buffer area would be substantially improved. Trails in Swamp Creek Park roughly paralleling the shoreline of the Sammamish River or Swamp Creek

shall generally be located at least 50 feet from the ordinary high water mark, but trails may extend closer to the water if necessary to reduce impacts on critical areas or adjacent properties, or access a pedestrian bridge across Swamp Creek. Spur trails may be extended to the water's edge but such access areas should be limited in order to protect ecological functions of the stream buffer and wetlands.

2. When public access is being provided as a part of mixed use development allowed in the Urban Conservancy Environment under KMC 16.50.030(B)(2)(a)(2), the director may allow public access trail development within the buffer in order to link with adjacent shoreline access, provided any new trail is farther from the shoreline than the waterward extent of existing development on the site and the proposed trail plan is accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.60.030 Vegetation management within Lake Washington shoreline buffers.**

A. Vegetation removal within lake shoreline buffers is prohibited in the Shoreline Residential, Urban Conservancy, and Natural Shoreline Environments along Lake Washington unless the activity is part of a shoreline restoration or enhancement project or the vegetation removal is otherwise specifically allowed under Chapter 16.50 or 16.55 KMC.

B. Vegetation clearing for permitted water-dependent uses is allowed in the Downtown Waterfront Environment. Such vegetation clearing must occur only in the minimum shoreline area that is necessary to support the permitted water-dependent use. [Ord. 12-0334 § 3 (Exh. 1).]

## **Chapter 16.65**

### **SHORELINE DENSITY AND DIMENSIONS**

#### **Sections:**

- 16.65.010 Interpretation of shoreline density and dimensions table.
- 16.65.020 Shoreline density and dimensions table and development conditions.

#### **16.65.010 Interpretation of shoreline density and dimensions table.**

A. The shoreline density and dimensions table in KMC 16.65.020 establishes the shoreline standards within each of the shoreline environments. The shoreline environment is located on the vertical column and the density and dimensions standard is located on the horizontal row of the table. The table should be interpreted as follows:

1. If the cell is marked with a "Z" in the box at the intersection of the column and the row, the shoreline does not impose a specific buffer requirement on that use, although the standards for the underlying zoning apply. In some cases, no standard is provided because the use is prohibited under Chapter 16.50 KMC.

2. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that shoreline environment.

3. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions listed in KMC 16.65.020(B) that are related to the density and dimension standard for that environment.

B. The density and dimensions enumerated in this section apply to any lot within the shoreline jurisdiction. If there is a conflict between the density and dimension standards in this section and the underlying zoning regulations, the more restrictive standard shall apply.

C. For development in critical areas and critical area buffers, the applicable provisions of Chapter 18.55 KMC apply unless a specific exception is provided in the shoreline code.

1. Because Lake Washington, the Sammamish River, and Swamp Creek are all fish and wildlife habitats of importance, a habitat management plan is required for any in-water or overwater development or activity, per KMC 18.55.520.

2. Within the shoreline jurisdiction, the required acreage replacement ratios for wetlands shall be as follows:

#### Wetland Mitigation Ratios

| Category and Type of Wetland | Creation or Reestablishment (C/R) | Creation (C) or Reestablishment (R) plus Enhancement (E) | Enhancement (E) Only |
|------------------------------|-----------------------------------|----------------------------------------------------------|----------------------|
| Class 1                      | 3:1                               | 1:1 C/R plus 6:1 E                                       | Not Allowed          |
| Class 1 (Mature Forested)    | 6:1                               | 1:1 C/R plus 20:1 E                                      | Not Allowed          |
| Class 2                      | 2:1                               | 1:1 C/R plus 4:1 E                                       | Not Allowed          |
| Class 3                      | 1.5:1                             | 1:1 C/R plus 2:1 E                                       | 6:1                  |

[Ord. 12-0334 § 3 (Exh. 1).]

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

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

#### Shoreline Density and Dimensions Table

|                                                                    | DOWNTOWN WATERFRONT | SHORELINE RESIDENTIAL | URBAN CONSERVANCY | NATURAL    | AQUATIC |
|--------------------------------------------------------------------|---------------------|-----------------------|-------------------|------------|---------|
| <b>Standards</b>                                                   |                     |                       |                   |            |         |
| <b>Shoreline Buffers from OHWM on Lake Washington</b>              |                     |                       |                   |            |         |
| Water-dependent commercial development                             | 20 ft (1)           | Z                     | 115 ft (1)        | Z          | 0       |
| Water-related commercial development                               | 20 ft (1)           | Z                     | 115 ft (1)        | Z          | 0       |
| Non-water-dependent and non-water-related commercial development   | 50 ft (1)           | Z                     | 150 ft            | Z          | Z       |
| Government services                                                | 20 ft (6)           | 20 ft (6)             | 20 ft (6)         | 20 ft (6)  | 0       |
| Single-family residential development                              | Z                   | 25 ft (2)             | 115 ft (2)        | 150 ft (2) | Z       |
| Multifamily residential development                                | 50 ft               | 75 ft                 | 115 ft            | Z          | Z       |
| Water-dependent and water-related manufacturing and industrial use | 20 ft (1) (3)       | Z                     | 115 ft (1) (3)    | Z          | 0       |
| Non-water-related manufacturing and industrial use                 | 50 ft               | Z                     | Z                 | Z          | Z       |
| Parks and recreation                                               | 50 ft (4)           | 75 ft (4)             | 115 ft (4)        | 115 ft (4) | 0       |
| Accessory surface parking                                          | 100 ft              | 100 ft                | 115 ft            | 150 ft     | 0       |
| Utilities and regional land uses                                   | 50 ft (5)           | 75 ft (5)             | 115 ft (5)        | 115 ft (5) | Z       |

**Shoreline Density and Dimensions Table (Continued)**

|                                                               | <b>DOWNTOWN<br/>WATERFRONT</b> | <b>SHORELINE<br/>RESIDENTIAL</b> | <b>URBAN<br/>CONSERVANCY</b> | <b>NATURAL</b> | <b>AQUATIC</b> |
|---------------------------------------------------------------|--------------------------------|----------------------------------|------------------------------|----------------|----------------|
| <b>Building Setback from the Shoreline Buffer</b>             |                                |                                  |                              |                |                |
| Single-family uses                                            | 15 ft                          | 25 ft (2)                        | 15 ft                        | 15 ft          | Z              |
| All uses except single-family uses                            | 15 ft                          | 15 ft                            | 15 ft                        | 15 ft          | Z              |
| <b>Building Height</b>                                        |                                |                                  |                              |                |                |
| Base height                                                   | 35 ft                          | 35 ft                            | 35 ft                        | 30 ft          | 35 ft          |
| Additional height allowed when permitted in underlying zoning | Yes (7)                        | Yes (7)                          | Yes (7)                      | No             | No             |

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

1. New water-dependent uses may be allowed within a shoreline buffer only if impacts are 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. The director may allow non-water-dependent uses within the shoreline buffer 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. Single-family residential development shall provide buffers and setbacks as follows:

a. On Lake Washington in Shoreline Residential areas:

(1) A minimum shoreline buffer of 25 feet from the ordinary high water mark shall be provided as a vegetation conservation area.

(2) The minimum building setback of 25 feet from the shoreline buffer 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(G).

b. On Lake Washington in Urban Conservancy areas:

(1) A minimum buffer of 115 feet from the ordinary high water mark shall be provided as a vegetation conservation area.

(2) A minimum building setback of 15 feet from the shoreline buffer shall be provided.

c. On Lake Washington in Natural areas:

(1) A minimum buffer of 150 feet from the ordinary high water mark shall be provided as a vegetation conservation area.

(2) A minimum building setback of 15 feet from the shoreline buffer shall be provided.

d. On all other shorelines, single-family development shall provide a buffer as required by the provisions of Chapter 18.55 KMC. Buffers may be reduced to the specified minimum setbacks in this table only if the reduced buffers are allowed by the provisions of Chapter 18.55 KMC.

3. Outdoor storage for water-dependent manufacturing and industrial uses must be at least 20 feet from the ordinary high water mark in the Downtown Waterfront Environment and is prohibited in all other environments.

4. New public access improvements shall comply with the requirements of Chapter 18.55 KMC; provided, that new public access improvements may be allowed within critical areas, or shoreline or critical area buffers, if impacts are 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, and the public access improvements meet the following standards:

a. In order to encourage public access improvements and improved shoreline habitat in the Downtown Waterfront shoreline, a public access trail may be located within the stream buffer required in KMC 18.55.420, when accompanied

by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved. Trails paralleling the shoreline of the Sammamish River in the Downtown Waterfront Environment shall be located at least 50 feet from the ordinary high water mark. Spur trails may be extended to the water's edge but such access areas should be limited in order to protect ecological functions of the buffer.

b. In order to allow for a waterfront promenade area along the inner harbor area of the Downtown Waterfront Environment, public access improvements may extend to the water's edge when accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved.

5. Underground utilities are allowed in the shoreline buffer.

6. Only water-dependent government service uses are allowed and such uses may require development in the buffer. If, through mitigation sequencing per KMC 18.55.210, impacts to the buffer are found to be unavoidable, the buffer may be reduced, provided there is no net loss of ecological functions.

7. Additional height may be permitted 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. 12-0334 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. Be outside of the floodway in effect at the time of permit application; and

f. Not be within a wetland or wetland buffer as regulated by Chapter 18.55 KMC.

| Distance from Structure to Ordinary High Water Mark | Maximum Height Allowed | Maximum Height Allowed | Maximum Height Allowed |
|-----------------------------------------------------|------------------------|------------------------|------------------------|
|                                                     | Area H-1               | Area H-2               | 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 director may require technical studies as necessary to demonstrate compliance. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.70****SUBDIVISIONS****Sections:**

16.70.010 Subdivisions.

**16.70.010 Subdivisions.**

A. Any legally created, existing lot that does not comply with the density and dimensions standards of Chapter 16.65 KMC and KMC Title 18 and that is located wholly or partially within the shorelines of the state shall be subject to the following provisions:

1. If the adjoining property is not under the same ownership as such lot, then the lot shall be considered a separate building site; and

2. If the adjoining property is under the same ownership as such lot, then the lot shall not be considered a separate building site until the lot is combined with adjoining property under the same ownership in such a way as to comply with the density and dimensions standards of Chapter 16.65 KMC and KMC Title 18.

B. Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, recreation space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

C. All newly created lots wholly or partially within the shoreline shall be of uniform size and dimension, whenever possible.

D. Subdivision of more than four lots shall provide an improved and maintained pedestrian easement to the shoreline that is of sufficient width to ensure usable public access. The public access to the shoreline shall be in conformance with the standards in KMC 16.50.060.

E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of the lots should allow for the construction of residential units that are outside of required buffers and setbacks and that do not require shoreline stabilization.

F. Subdivision of a waterfront lot for the purposes of creating a lot for a non-water-dependent use that would not otherwise be allowed is prohibited. [Ord. 12-0334 § 3 (Exh. 1).]

**Chapter 16.75****PROCEDURES****Sections:**

16.75.005 Additional administrative procedures.

16.75.010 Substantial development – Permit required – Exemption.

16.75.020 Permits – Prerequisite to other permits.

16.75.025 Permits – Reasonable accommodation.

16.75.030 Permits – Variance.

16.75.040 Permits – Conditional use.

16.75.050 Alteration or reconstruction of nonconforming use or development.

16.75.060 Permits – Combined hearing authority.

16.75.070 Permits – Approval or disapproval – Notification – Additional conditions – Limitations.

16.75.080 Appeals.

16.75.090 Rules of director.

16.75.100 Enforcement.

16.75.110 Shoreline environment redesignation.

16.75.120 Redesignation applications.

16.75.130 Redesignation initiated by motion.

16.75.140 Frequency of consideration of shoreline redesignations.

16.75.150 Shoreline redesignation and site-specific land use map amendment or zone reclassification.

16.75.160 Criteria for hearing examiner review.

**16.75.005 Additional administrative procedures.\***

In addition to the requirements of Chapter 19.25 KMC, the following administrative procedures apply to development in the shoreline jurisdiction. [Ord. 12-0334 § 3 (Exh. 1).]

\*Code reviser's note: The code section number for this text has been assigned editorially.

**16.75.010 Substantial development – Permit required – Exemption.**

A. No development shall be undertaken by any person within the shoreline jurisdiction unless such development is consistent with the policies of RCW 90.58.020 and the Shoreline Master Program. Development within the shoreline jurisdiction

tion shall conform to the Shoreline Master Program whether or not the development requires a permit from the city of Kenmore.

B. A substantial development permit shall be required for all proposed uses and modifications unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140.

C. Any person claiming exception from the permit requirements of this chapter as a result of the exemptions described in subsection B of this section may be required to submit an application to the director for such an exemption in the manner prescribed by the director. A person requesting an exemption shall provide a written statement of exemption for activities that are exempt from the substantial development permit requirement in subsection B of this section when:

1. WAC 173-27-050 applies; or
2. The activity will occur waterward of the ordinary high water mark.

D. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the city of Kenmore Shoreline Master Program.

E. Conditions of approval may be attached to the approval of substantial development permits, statements of exemptions, or exempted developments as necessary to ensure consistency of the project with the city of Kenmore Shoreline Master Program. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.020 Permits – Prerequisite to other permits.**

In the case of development subject to the permit requirements of this title, Kenmore shall not issue any other permit for such development until such time as approval has been granted pursuant to this title. Any development subsequently authorized by Kenmore shall be subject to the same terms and conditions which apply to the development authorized pursuant to this title, in addition to any other terms or conditions required for the subsequent authorization. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.025 Permits – Reasonable accommodation.**

The Federal Fair Housing Act requires that reasonable accommodations be made in rules, policies, practices, or services, when such

accommodations may be necessary to afford handicapped people equal opportunity to use and enjoy a dwelling. The director is therefore authorized to make accommodations in the provisions of this title as applied to dwellings occupied or to be occupied by handicapped persons as defined in the Federal Fair Housing Act, when the director determines that such accommodations reasonably may be necessary in order to comply with such Act. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.030 Permits – Variance.**

A. The director is authorized to grant a variance from the performance standards of the city of Kenmore Shoreline Master Program only under the conditions enumerated in WAC 173-27-170 (Review Criteria for Variance Permits). Shoreline variance permits are also subject to review and approval by the Washington Department of Ecology (RCW 90.58.140(10)). The purpose of a variance permit is limited to granting relief from development standards set forth in the city of Kenmore Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the city of Kenmore Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

B. A variance from city zoning code requirements shall not be construed to mean a variance from the city of Kenmore Shoreline Master Program use or development regulations and vice versa.

C. Shoreline variances may not be used to permit a use that is specifically prohibited in Chapter 16.50 KMC.

D. The burden of proving that a proposed variance meets the requirements of subsections A through C of this section shall be on the applicant; absence of such proof shall be grounds for denial of the application.

E. The fee which shall accompany an application for a shoreline variance shall be as adopted by resolution. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.040 Permits – Conditional use.**

A. The director is authorized to issue shoreline conditional use permits only under the conditions enumerated in RCW 90.58.140 and 90.58.143 and WAC 173-27-160. Conditional use permits are

also subject to review and approval by the Washington Department of Ecology (RCW 90.58.140(10)).

B. The burden of proving that a proposed shoreline conditional use meets the criteria enumerated in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application; provided, however, that the director is authorized to determine and impose, on a case-by-case basis, those conditions and standards which may be required to enable any proposed shoreline conditional use to satisfy the criteria established in WAC 173-27-160. [Ord. 12-0334 § 3 (Exh. 1).]

**16.75.050 Alteration or reconstruction of nonconforming use or development.**

A. The review of applications for the modification of a nonconforming use or development shall be subject to the regulations enumerated in KMC 18.100.020 through 18.100.060, and 18.100.080 through 18.100.087, except that a nonconforming bulkhead may be replaced with a new bulkhead; provided, that:

1. The reconstructed bulkhead does not create new dry land; and
2. At least 40 percent of the bulkhead is replaced with a pocket cove or beach; and
3. The proposed reconstruction would substantially reduce the impacts of the existing structure on shoreline ecological functions; and
4. The project would not cause adverse impacts on adjacent shoreline uses.

B. Existing legal uses as defined under KMC 18.20.965 are considered existing legal uses within the shoreline jurisdiction.

C. Expansion of a nonconforming use or structure may be approved through the provisions of KMC 16.75.040 when the applicant demonstrates the following:

1. The project would substantially reduce the impacts of the existing use or structure on shoreline ecological functions; and
2. The proposed expansion would not cause adverse impacts on adjacent shoreline uses.
3. For a nonconforming structure located on land, any waterward expansion of the structure into the required setback would be offset by removal of another nonconforming structure of equal or greater footprint area in the shoreline setback, and the shoreline setback area would be restored with native riparian vegetation.

D. Expansion of a nonconforming dock may be allowed by the director when the applicant demonstrates the following:

1. The existing nonconformance results from noncompliance with the standards in KMC 16.55.050(B)(6), (B)(8), (B)(9) or (B)(15); and
2. The proposed expansion meets all other applicable standards in KMC 16.55.050; and
3. The proposed expansion would not increase the existing overwater coverage of the dock to more than the existing condition or by the limits established in KMC 16.55.050(B)(8), whichever is greater; and
4. The project would reduce the impacts of the existing dock on critical fish habitat as demonstrated through the habitat management plan for the development; and
5. The proposed expansion would not cause adverse impacts on adjacent shoreline uses. [Ord. 12-0334 § 3 (Exh. 1).]

**16.75.060 Permits – Combined hearing authority.**

A. In those cases when proposed development under the jurisdiction of this title also requires a Type 3 or Type 4 decision and a public hearing before the hearing examiner is required, the department shall issue a recommendation on the proposal, and the examiner shall conduct a public hearing to receive evidence relating to the issuance of a substantial development permit or exemption therefrom, a shoreline management conditional use permit and/or a shoreline management variance, if applicable.

B. The examiner shall conduct the hearing in accordance with the provisions of Chapter 19.30 KMC and shall exercise the powers therein.

C. The decision of the examiner shall be the decision of the director and shall be the final decision of the city with regard to shoreline management. [Ord. 12-0334 § 3 (Exh. 1).]

**16.75.070 Permits – Approval or disapproval – Notification – Additional conditions – Limitations.**

A. In granting or extending a permit, the director may attach thereto conditions, modifications, or restrictions regarding the location, character and other features of the proposed development and related development and activity outside of the shoreline as necessary to make the permit compatible with the criteria set forth in KMC 16.05.030 and 16.75.010. Such conditions may include a

requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

B. Issuance of a substantial development permit does not constitute approval pursuant to any other federal, state or city laws or regulations. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.080 Appeals.**

A. Appeals from the final decision of the city with regard to shoreline management shall be governed solely by the provisions of RCW 90.58.180, which shall prevail over any conflicting appeal procedures set forth in Chapter 19.25 KMC.

B. The effective date of the city's decision shall be the date of receipt with the Department of Ecology as defined in RCW 90.58.140.

C. When a hearing and decision have occurred pursuant to KMC 16.75.060 and the examiner's recommendation with regard to disposition of a proposed development pursuant to KMC Titles 18 and 19 requires city council action, the final decision of the city pursuant to this title shall be effective on the date of receipt as defined in RCW 90.58.140 for the purposes of appeal as provided in RCW 90.50.140. However, no development may occur until the city council has taken final action on the examiner's recommendation required by KMC Titles 18 and/or 19. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.090 Rules of director.**

The director is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The director may prepare and require the use of such forms as are necessary to its administration. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.100 Enforcement.**

A. The director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter 1.20 KMC.

B. Any person found to have willfully engaged in activities on the shorelines of the state in violation of this title or Chapter 90.58 RCW or in violation of the Kenmore Shoreline Master Program, or rules or regulations adopted pursuant thereto, is guilty of a gross misdemeanor, and shall be punished by a fine of not less than \$25.00 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both fines and imprisonment; pro-

vided, that the fine for the third and all subsequent violations in any five-year period shall be not less than \$500.00 nor more than \$10,000.

C. The director shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state in conflict with the provisions of this title or Chapter 90.58 RCW or in conflict with the Shoreline Master Program, or rules or regulations adopted pursuant thereto, and to otherwise enforce the provisions of this chapter and Chapter 90.58 RCW.

D. Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The director shall bring suit for damages under this subsection on behalf of the city. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. The court on its discretion may award attorney's fees and costs of the suit to the prevailing party. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.110 Shoreline environment redesignation.**

A. Shoreline environments designated by the Shoreline Master Program may be redesignated by the city council upon finding that such a redesignation will be consistent with the standards in KMC 16.75.160 and the requirements of WAC 173-26-100 and 173-26-110. A shoreline redesignation may be initiated by an applicant or by motion of the council and requires Department of Ecology approval.

B. A redesignation initiated by an applicant shall be made on forms and processed in a manner prescribed in KMC 16.75.120. A redesignation initiated by the council shall follow the process in KMC 16.75.130.

C. The fee which shall accompany an application for a shoreline redesignation shall be as adopted by resolution.

D. The departmental report and recommendation regarding an application or a site-specific redesignation initiated by council motion shall be forwarded to the hearing examiner for consideration together with all relevant testimony at a public hearing to be held consistent with the

procedures for a zone reclassification as provided in Chapter 19.30 KMC. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.120 Redesignation applications.**

A. A redesignation initiated by an applicant, as described in KMC 16.75.110(B), must follow the procedures in Chapters 19.25 and 19.30 KMC for shorelines redesignations and must include the following information in addition to the requirements in Chapter 19.25 KMC:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant;
3. Property owner concurrence, including signature, telephone number and address;
4. A property description, including parcel number, property street address and nearest cross street;
5. A county assessor's map outlining the subject property;
6. Related or previous permit activity;
7. A description of the proposed shorelines redesignation;
8. A mitigation plan providing for significant enhancement of the first 100 feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and
9. A discussion of how the proposed shoreline redesignation meets the criteria in KMC 16.75.160.

B. The examiner shall make a recommendation to the council based on the criteria for review in KMC 16.75.160. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.130 Redesignation initiated by motion.**

A. A motion initiating a shoreline redesignation, as described in KMC 16.75.110(B), must be accompanied by the following information:

1. A description of the shoreline and a property description, including parcel numbers, property street addresses and nearest cross streets, for all properties that the shoreline runs through or is adjacent to;
2. A county assessor's map outlining the subject property or properties; and
3. A description of the proposed shorelines redesignation.

B. If the motion proposes site-specific redesignation, as "site" is defined in KMC Title 18, the redesignation shall be referred to the hearing examiner for consideration following the procedures of KMC 16.75.120 for consideration of redesignation applications. Any other redesignation proposal initiated by motion shall be referred to the city manager for consideration as part of the process for amendment of comprehensive plan or development regulations as outlined in Chapter 19.20 KMC.

C. A motion initiating a site-specific redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-generated shoreline redesignation. Before adoption of the motion, the city manager shall have the opportunity to provide an analysis of the motion's fiscal impact. If the city manager determines that additional funds are necessary to complete the work program, the city manager may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shorelines redesignation proposal to the examiner.

D. A site-specific redesignation initiated by motion shall follow the procedures in Chapters 19.25 and 19.30 KMC for shorelines redesignations with regard to the information to be provided and the notice and hearing processes, and shall meet the submittal requirements of KMC 16.75.120. The examiner shall make a recommendation to the council based on the criteria for review in KMC 16.75.160. [Ord. 12-0334 § 3 (Exh. 1).]

#### **16.75.140 Frequency of consideration of shoreline redesignations.**

A shorelines redesignation may not be initiated unless at least three years have elapsed since the council's prior consideration of the current designation for the property. The city manager or the council may waive this time limit if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for earlier consideration of the shorelines redesignation. [Ord. 12-0334 § 3 (Exh. 1).]

**16.75.150 Shoreline redesignation and site-specific land use map amendment or zone reclassification.**

A site-specific shorelines redesignation may be accompanied by a related proposal for a site-specific land use map amendment or zone reclassification, or both, in which case city review of the two applications must be consolidated to the extent practical, consistent with this division and Chapter 19.25 KMC. The council's consideration of a sub-area or comprehensive shorelines redesignation is a legislative decision that must be determined before and separate from the council's final consideration of a zone reclassification or site-specific shorelines redesignation, which is a quasi-judicial decision. [Ord. 12-0334 § 3 (Exh. 1).]

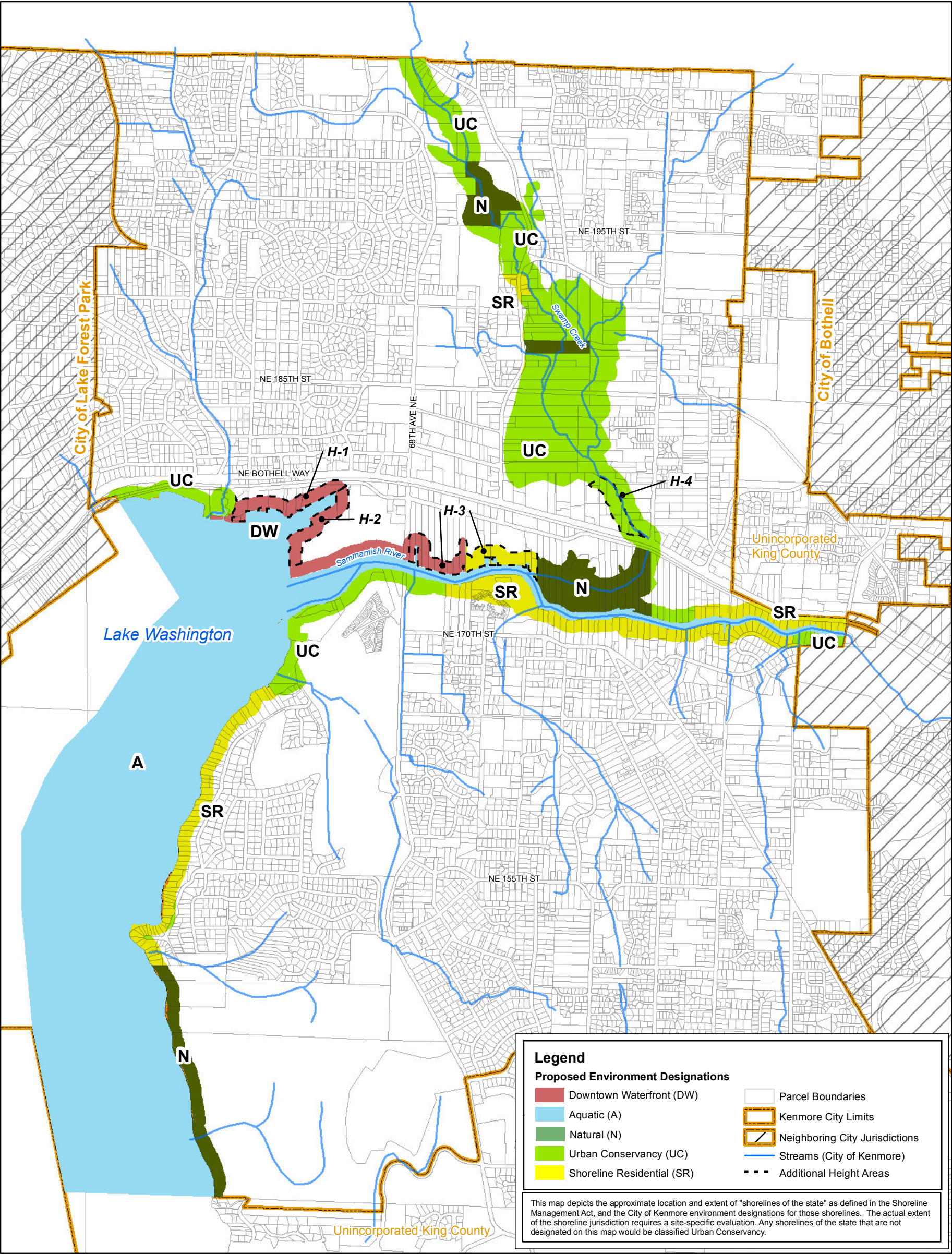
**16.75.160 Criteria for hearing examiner review.**

A shorelines redesignation referred to the hearing examiner for a public hearing shall be reviewed based upon the requirements of comprehensive plan policies and city shorelines management goals and objectives and the following additional standards:

A. The proposed change implements and supports the goals of the State Shorelines Management Act and city of Kenmore Shoreline Master Program requested;

B. The impacts of development allowed by the proposed change will not permanently impair any habitat critical to endangered or threatened species; and

C. The impacts of development allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first 100 feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in KMC 16.75.120 and 16.75.130. [Ord. 12-0334 § 3 (Exh. 1).]

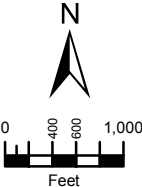


# Shoreline Master Program Update

## City of Kenmore







**Map 1**

Shoreline Environment Designations

SOURCE: King County, (2002)2007; City of Kenmore, 2007; ESA Adolfson, 2008