

# SEPA Environmental Checklist

## City of Kenmore

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

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May 2019

#### PURPOSE OF CHECKLIST:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

#### INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

#### INSTRUCTIONS FOR LEAD AGENCIES:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

#### USE OF CHECKLIST FOR NONPROJECT PROPOSALS:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## A. Background [\[HELP\]](#)

1) *Name of proposed project, if applicable:*

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

2) *Name of applicant:*

City of Kenmore

3) *Address and phone number of applicant and contact person:*

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4) *Date checklist prepared:*

May 14, 2019

5) *Agency requesting checklist:*

City of Kenmore

6) *Proposed timing or schedule (including phasing, if applicable):*

The State requires a periodic review of the City's Shoreline Master Program by June 30, 2019. The City is also updating its Critical Areas Regulations to be consistent with Growth Management Act (GMA) requirements to consider best available science and to reflect conditions that have changed over time.

7) *Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.*

Future development could occur consistent with the implementation of the proposed regulations.

8) *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*

A SEPA Checklist and Cumulative Impacts Analysis dated August 19, 2009 was prepared by ESA and supported a Determination of Non-Significance for the comprehensive Shoreline Master Program Update by the City on August 25, 2009.

Shannon & Wilson, Confluence, and BERK completed a "gap analysis" of the critical areas regulations (Chapter 18.55 and Title 16, Division II) and Shoreline Master Program (Title 16, Division I) in August 2018 to identify issues that should be addressed to ensure compliance with current best available science and State standards.

Following that review, the Planning Commission recommended, and the City Council adopted, related Comprehensive Plan amendments in November 2018. The policy amendments were addressed in a SEPA Checklist dated September 26, 2018 and Determination of Non-Significance issued October 18, 2018.

- 9) *Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.*

Other legislative actions are not pending related to the Critical Areas Regulations and Shoreline Master Program updates. Private development, including building and construction permits, may occur consistent with current plans and regulations until the Critical Areas Regulations and Shoreline Master Program updates are adopted, when development would be consistent with new regulations.

- 10) *List any government approvals or permits that will be needed for your proposal, if known.*

- Planning Commission recommendations and City Council approval for the Critical Areas Regulations, after 60-day review with the State of Washington Department of Commerce.
- Planning Commission recommendations and City Council approval for the Shoreline Master Program update after a 60-day review with the State of Washington Department of Commerce. The Council-approved amendments must then be sent to Washington Department of Ecology for their review and approval before the updated SMP goes into effect.

- 11) *Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)*

A summary of the proposed 2019 CAR and SMP amendments is listed below:

### **Critical Area Regulations**

#### General provisions

- Required fencing around a critical area may be either a fence or dense native vegetation.
- Public agency or utility exception permit may be used for extension or expansion of a linear facility such as a street or utility, or for expansions of existing public facilities. New facilities would require a variance or reasonable use permit.
- Revised variance criteria address public agency development proposals.
- Revised reasonable use exception criteria address public agency development proposals.

#### Wetlands

- Wetland ratings changed to match Department of Ecology's scheme.
- Wetland buffer widths changed to coordinate with new rating system.
- Eliminated buffer reduction with enhancement tool; replaced with requirement to enhance degraded buffers when a proposal will increase site impervious surface area by more than 500 square feet.
- New, more flexible, standards created for walkways and trails in wetlands and buffers.
- Modifications of buffers transected by roadways or isolated by existing development allowed.
- Department of Ecology's wetland mitigation ratios adopted.
- Standards for mitigation banking, in-lieu fee programs and alternative mitigation plans included.

#### Streams and Lakes

- Stream typing changed to match State scheme.
- Stream buffers changed to match new typing system.
- New, more flexible, standards created for walkways and trails in stream and lake buffers.

- Modifications of buffers transected by roadways or isolated by existing development allowed.
- Standards for mitigation banking, in-lieu fee programs and alternative mitigation plans included.

#### Fish and Wildlife Habitats of Importance

- Pileated woodpecker breeding habitat added to habitats of importance.
- New treatment of bald eagle habitat based on state/federal delisting and updated science.
- Reduced buffer for great blue heron rookery based on updated science.

#### Geologically Hazardous Areas

- New process outlined for third-party review of a critical areas report.
- Standards for trails in landslide hazard areas developed.
- Certain types of development prohibited in high landslide hazard areas.
- Opportunity provided to reduce lot sizes in the R-4 zone to minimize impact on landslide hazard areas through clustering.

#### Flood Hazard Areas

- Standards for flood hazard areas and frequently flooded areas consolidated (Title 16 and Title 18).
- No real adjustment to standards, but elimination of some King County holdover designations (zero-rise floodway and flood fringe, for example).
- Revisions reviewed by FEMA to be certain changes comply with the National Flood Insurance Program.

#### Groundwater Susceptibility Areas

- New standards and map developed.
- New ability to require hydrogeological assessments when hazardous substances are present, injection wells are proposed, or when the city manager identifies activities that might have an adverse impact on groundwater quality, quantity or recharge.

#### Miscellaneous

- Amendments allow administrative modifications of setbacks and required parking to facilitate protection of critical areas.

#### **Shoreline Master Program (SMP) policies and regulations**

- New shoreline designation created: Swamp Creek Commercial Environment.
- Clarification that Kenmore prohibits new heavy manufacturing or industrial uses in the shoreline.
- Transfer of some standards from the Shoreline Sub-Element into the shoreline regulations.
- New shoreline use table incorporates the same list of land uses as found in the Zoning Code.
- New section describes standards for commercial and light manufacturing uses.
- New section describes standards for parking.
- More expansive table describes shoreline modifications and conditions.
- Section on water access structures revised, including updated standards for overwater structures that are appropriate for the Sammamish River.

- Shoreline density and dimensions table revised, including buffers based on existing conditions for the Sammamish River and Swamp Creek (previously addressed by critical area regulations).
- Standards for parks and outdoor recreational facilities created.
- New sections added (from State rules) on developments not requiring shoreline permits or local reviews and relief from development standards
- New ability to consider/approve 5-year maintenance plans.

A primary change to shoreline environment designations is the addition of the Swamp Creek Commercial Environment reflecting the existing developed shopping center that is currently designated as Urban Conservancy. Other minor changes to the shoreline environment designations were made to reflect (1) improved understanding of jurisdictional boundaries, such as the extent of associated wetlands and the latest mapping of floodways and floodplains; (2) improved information about current or planned conditions such as with residential properties and municipal parks, and (3) other non-substantive corrections of mapping errors. The original and proposed environment designation amounts are included in the table below. The justifications for the more significant changes are described in the Cumulative Impacts Analysis addendum dated May 2019.

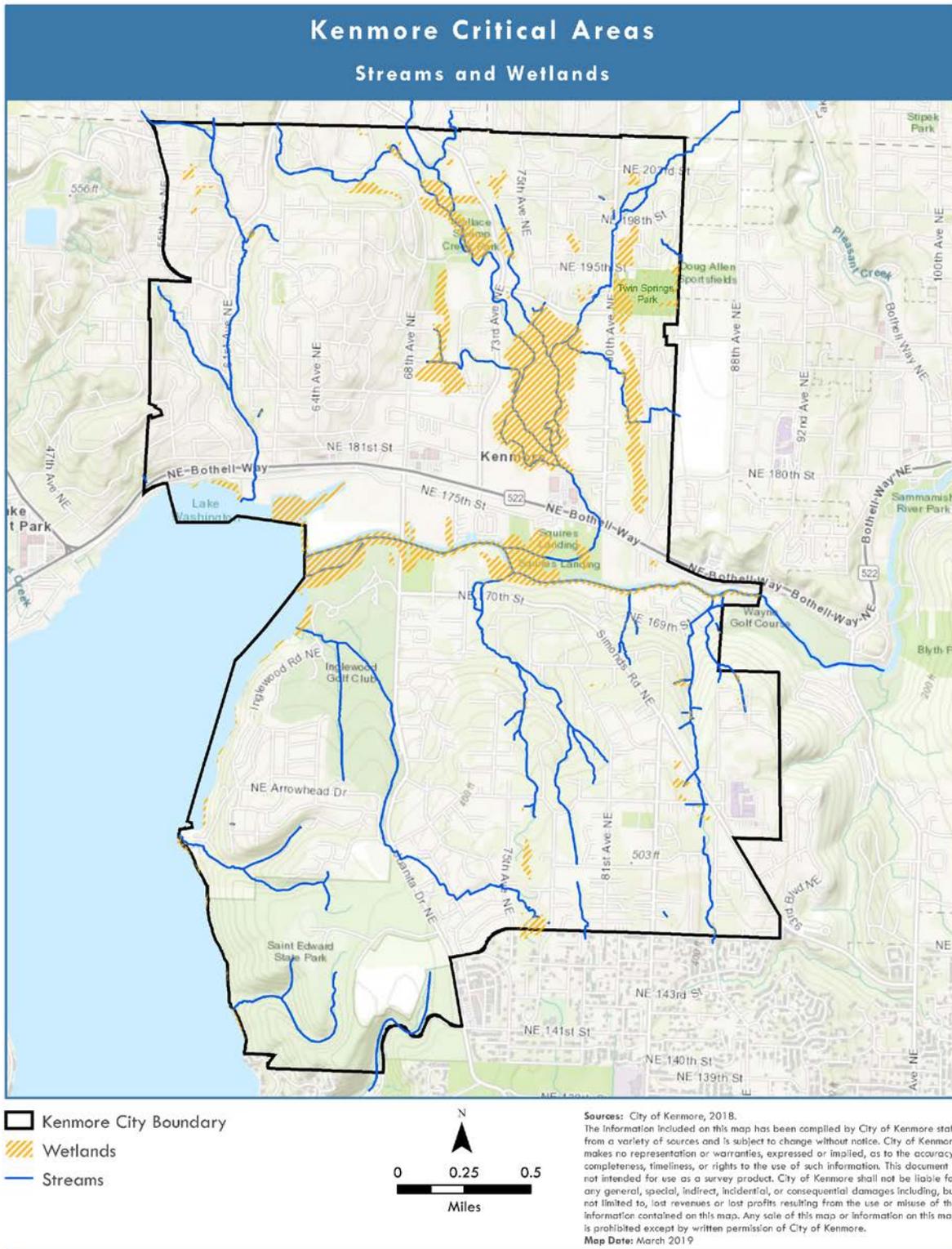
**Current and Proposed SMP Upland Shoreline Environment Designation Acres**

<b>Environment Designation</b>	<b>Current SMP Acres</b>	<b>Proposed SMP Acres</b>
Downtown Waterfront	34.44	34.44
Natural	66.72	65.09
Shoreline Residential	82.50	76.57
Swamp Creek Commercial	0	5.24
Urban Conservancy	209.99	200.11
<b>Total</b>	<b>393.65</b>	<b>381.45</b>

12) *Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.*

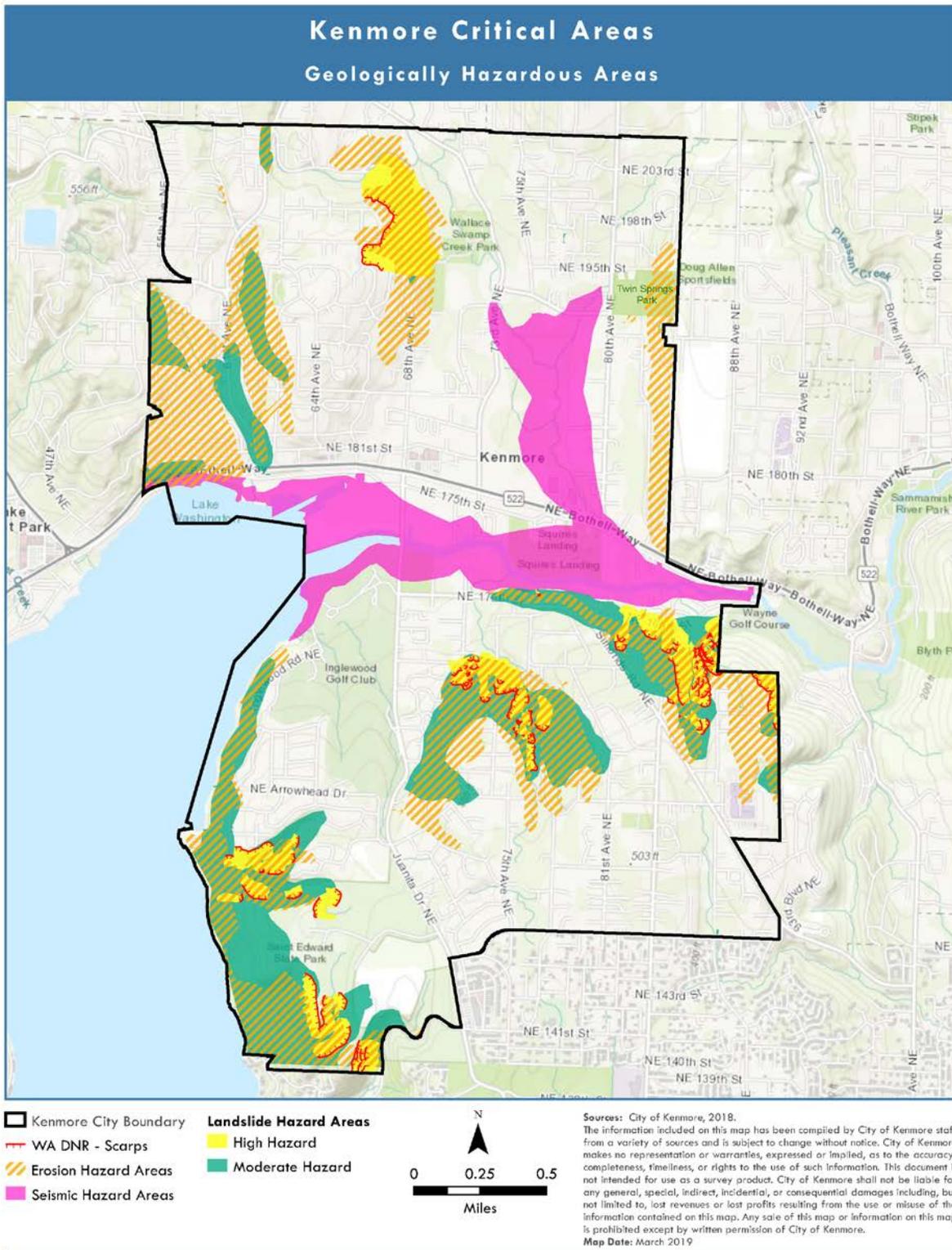
The proposed Critical Areas Regulations and Shoreline Master Program updates would apply to the City of Kenmore. Critical areas include wetlands, streams and lakes, fish and wildlife habitats of importance, geologically hazardous areas, flood hazard areas, and groundwater susceptibility areas. Updated critical areas maps and proposed shoreline environment designation maps are included below.

**Exhibit 1 Critical Areas: Streams and Wetlands Updated Map**



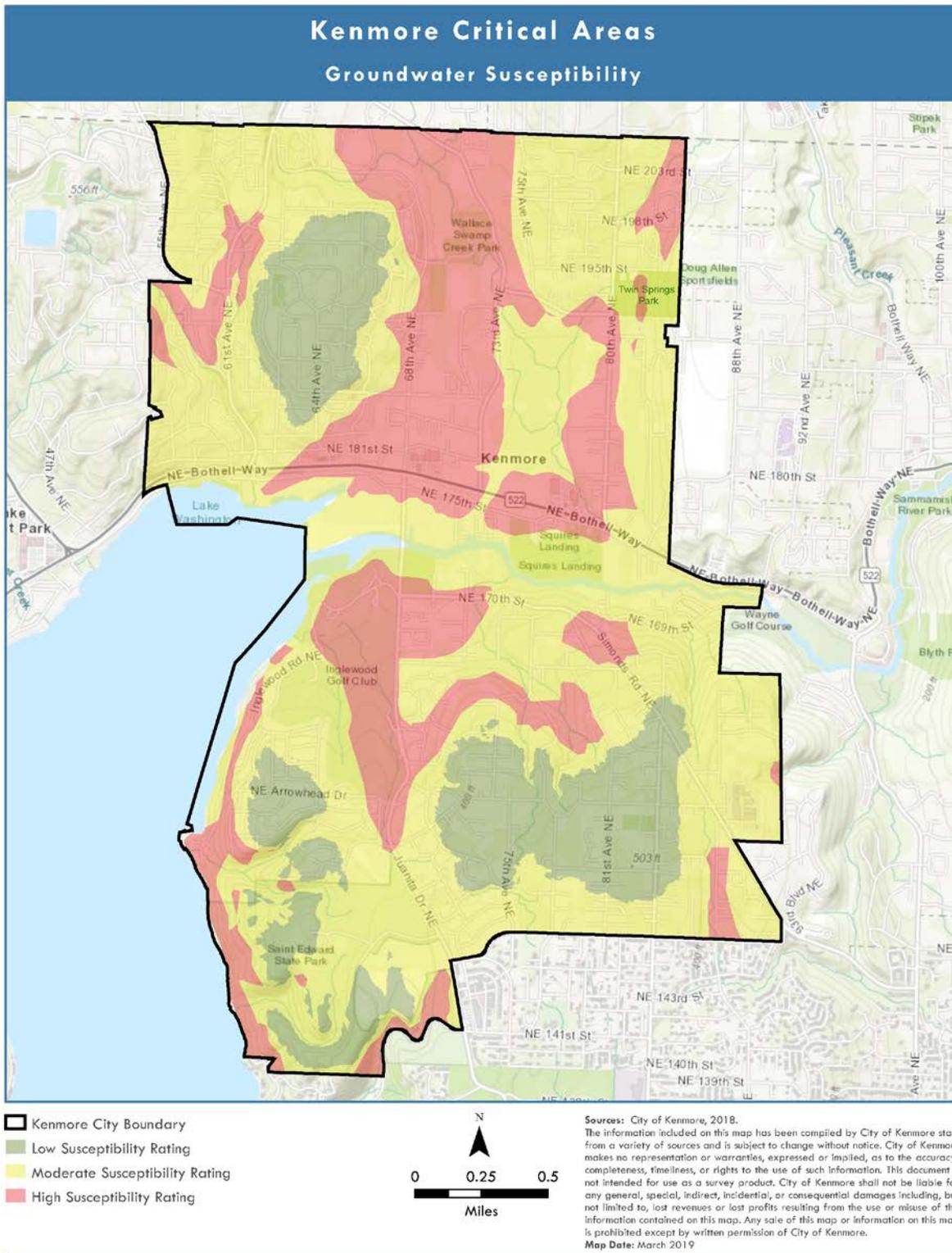
Source: City of Kenmore, 2019.

**Exhibit 2 Critical Areas: Geologically Hazardous Areas Updated Map**



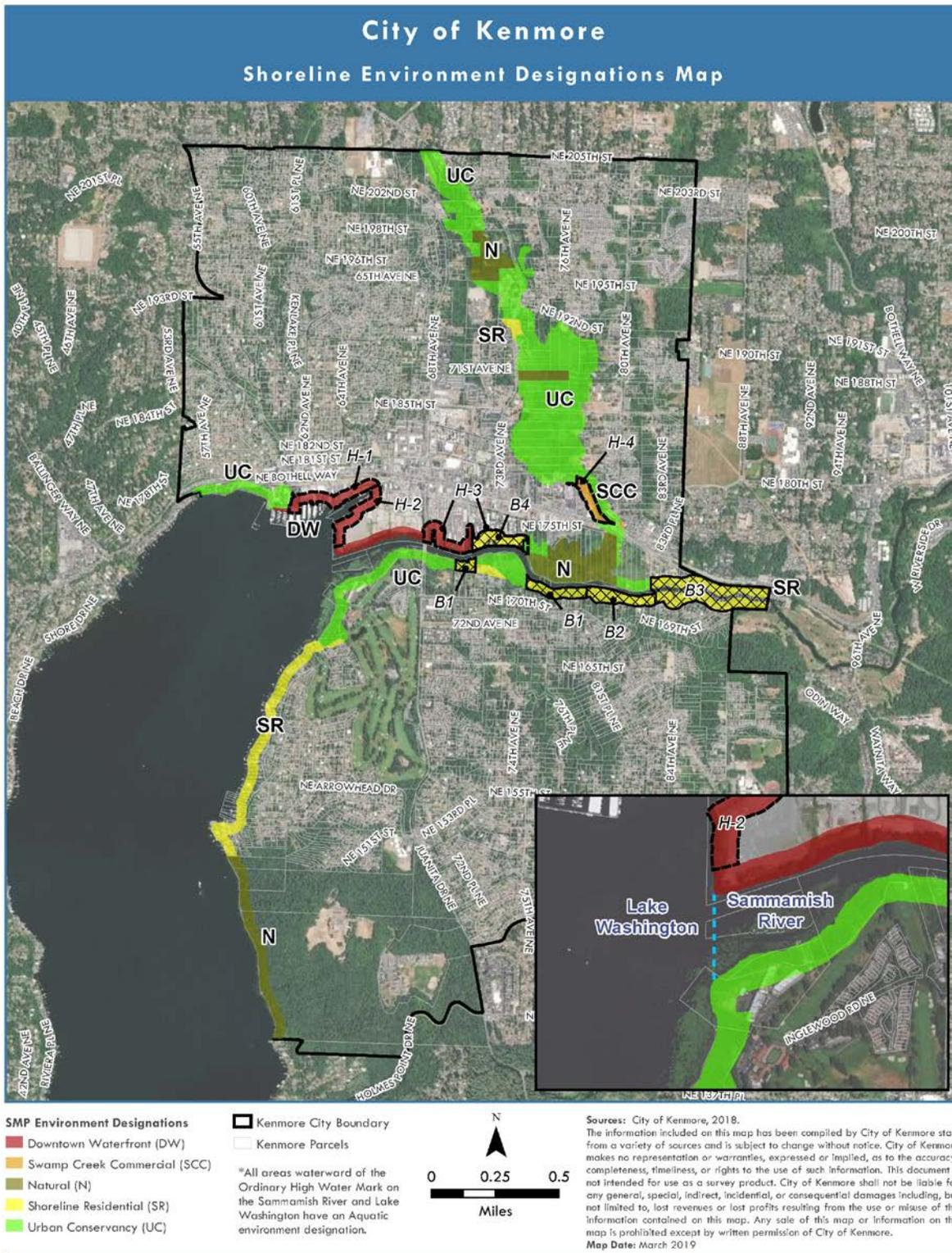
Source: City of Kenmore, 2019.

**Exhibit 3 Critical Areas: Groundwater Susceptibility Updated Map**



Source: City of Kenmore, 2019.

Exhibit 4 Proposed Shoreline Environment Designations Updated Map



Source: City of Kenmore, 2019.

## B. Environmental Elements [\[HELP\]](#)

### 1. EARTH [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. General description of the site:  
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

### 2. AIR [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

### 3. WATER [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

a. Surface Water: [\[help\]](#)

- 1) *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*
- 2) *Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*
- 3) *Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*
- 4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*
- 5) *Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*
- 6) *Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.*

b. Ground Water: [\[help\]](#)

- 1) *Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.*
- 2) *Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.*

c. Water runoff (including stormwater):

- 1) *Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.*
- 2) *Could waste materials enter ground or surface waters? If so, generally describe.*
- 3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

#### 4. PLANTS [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Check the types of vegetation found on the site:
  - \_\_\_deciduous tree: alder, maple, aspen, other
  - \_\_\_evergreen tree: fir, cedar, pine, other
  - \_\_\_shrubs
  - \_\_\_grass
  - \_\_\_pasture
  - \_\_\_crop or grain
  - \_\_\_Orchards, vineyards or other permanent crops.
  - \_\_\_wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
  - \_\_\_water plants: water lily, eelgrass, milfoil, other
  - \_\_\_other types of vegetation
- b. What kind and amount of vegetation will be removed or altered?
- c. List threatened and endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
- e. List all noxious weeds and invasive species known to be on or near the site.

#### 5. ANIMALS [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:  
birds: hawk, heron, eagle, songbirds, other:  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_
- b. List any threatened and endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any:
- e. List any invasive animal species known to be on or near the site.

## 6. ENERGY AND NATURAL RESOURCES [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

## 7. ENVIRONMENTAL HEALTH [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
  - 1) Describe any known or possible contamination at the site from present or past uses.
  - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
  - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
  - 4) Describe special emergency services that might be required.
  - 5) Proposed measures to reduce or control environmental health hazards, if any:
- b. Noise
  - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
  - 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
  - 3) Proposed measures to reduce or control noise impacts, if any:

## 8. LAND AND SHORELINE USE [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
  - 1) *Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:*
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

## 9. HOUSING [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

## 10. AESTHETICS [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

## 11. LIGHT AND GLARE [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

## 12. RECREATION [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

### 13. HISTORIC AND CULTURAL PRESERVATION [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

### 14. TRANSPORTATION [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. Proposed measures to reduce or control transportation impacts, if any:

## 15. PUBLIC SERVICES [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

## 16. UTILITIES [\[HELP\]](#)

**N/A this is a non-project proposal. See section D.**

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service,  
and the general construction activities on the site or in the immediate vicinity which might  
be needed.

## C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_ 

Name of signee \_\_\_\_\_ Lisa Grueter, AICP \_\_\_\_\_

Position and Agency/Organization \_\_\_\_\_ Principal, BERK Consulting, Inc. \_\_\_\_\_

Date Submitted: \_\_\_\_\_ May 14, 2019 \_\_\_\_\_

## D. Supplemental sheet for nonproject actions [\[HELP\]](#)

**(IT IS NOT NECESSARY** to use this sheet for project actions)

*Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.*

*When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.*

1) *How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?*

The proposal is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The updated SMP will continue to result in no net loss of shoreline ecological functions and the updated CAR is based on best available science. See the Cumulative Impacts Analysis Addendum, May 2019, for a discussion of how the proposed regulations meet Shoreline Management Act goals, including protection of critical areas. Also see the City of Kenmore Critical Areas Regulations and Shoreline Master Program Gap Analysis and Recommendations, August 30, 2018, for science and professional evaluation that supported the proposed amendments.

Application of the City's stormwater regulations would continue to limit adverse impacts of any discharge.

The proposal includes provisions to protect critical areas, including streams and lakes, and reflects current best available science and professional guidance. Streams and other water bodies within the city are shown in Exhibit 1 on page 6. Proposed updates to the CAR regarding streams include:

- Stream typing changed to match the State's scheme and stream buffers changed to match the new typing system.
- New, more flexible, standards created for walkways and trails in stream and lake buffers.
- Modifications of buffers transected by roadways or isolated by existing development allowed.
- Standards for mitigation banking, in-lieu fee programs and alternative mitigation plans included.

Stream typing and associated buffers are designed to protect the functions and values of aquatic habitats and riparian areas and would protect water quality. Where roads or existing development intervene the buffer functions and values would be truncated.

Walkways and trails are currently allowed in buffers, and new trails and walkways standards would include criteria allowing those that are part of an approved public park or trail plan and that minimize native vegetation removal.

Mitigation standards would require robust application of the mitigation sequencing process, such as avoidance, minimization, etc. When compensation is allowed, mitigation banking and in-lieu fees may result in a better ecological outcome.

Updates to the CAR would also allow for the ability to require hydrogeological assessments when hazardous substances are present, injection wells are proposed, or when the city manager identifies activities that might have an adverse impact on groundwater quality, quantity, or recharge.

Proposed updates to the Shoreline Master Program (SMP) include a new shoreline designation (Swamp Creek Commercial Environment) and clarification that Kenmore prohibits new heavy manufacturing or industrial uses in the shoreline.

**Proposed measures to avoid or reduce such increases are:**

No measures are necessary as the proposal is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

*2) How would the proposal be likely to affect plants, animals, fish, or marine life?*

Proposed updates to the CAR and SMP reflect current best available science and professional guidance to protect existing terrestrial and aquatic habitats, as well as the fish and wildlife that inhabit them. See Cumulative Impacts Analysis Addendum, May 2019. Also see the City of Kenmore Critical Areas Regulations and Shoreline Master Program Gap Analysis and Recommendations, August 30, 2018, regarding science and professional recommendations supporting the proposed amendments. See responses to Question 1 regarding stream buffers and fish habitat. Regarding wildlife, pileated woodpecker breeding habitats would be added to the habitats of importance list. Treatment of bald eagle habitat would be updated based on state/federal delisting and updated science, and a reduced buffer for great blue heron rookery would be applied based on updated science. Revisions to the public agency or utility exception pertain to expansions of existing facilities and added review criteria help ensure proper mitigation sequencing and review.

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The proposal is not likely to adversely impact plants, animals, fish, or marine life. The proposal incorporates standards and criteria designed to protect fish and wildlife and their habitats as described above.

*3) How would the proposal be likely to deplete energy or natural resources?*

The proposal is not likely to deplete energy or natural resources. The proposal does not alter growth targets or depart from the City's Comprehensive Plan land use and zoning allowances. SMP revisions offer more consistency with City policies and requirements, e.g. promoting light industrial rather than heavy industrial.

**Proposed measures to protect or conserve energy and natural resources are:**

See above. No measures required.

*4) How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?*

Proposed updates to the CAR and SMP reflect current best available science and professional guidance to protect environmentally sensitive areas or areas designated for governmental protection, including critical areas and shorelines. See Cumulative Impacts Analysis Addendum, May 2019.

See Exhibit 1 on page 6 through Exhibit 4 on page 9 for critical area and shoreline environment designation maps. See Question 1 for a summary of proposed CAR changes related to streams and lakes

and Question 2 for a summary of proposed CAR changes related to fish and wildlife habitats of importance. Additional proposed updates to the CAR are summarized below. Proposed updates to the SMP are included under Question 5.

The proposal is not likely to affect the following:

- **Parks:** The SMP continues to promote public access to shorelines and adjustments to requirements further advance that intent. CAR regulations would continue to apply to park developments. Parks proposals would need to comply with regulations or could seek a public agency and utility exception, variance, or reasonable use exception, provided that the greater amended criteria are met. The *Best Available Science Evaluation: Public Agency and Utility Exception, April 2019*, white paper indicates that park master plans include a number of critical area enhancement proposals.
- **Wilderness, wild and scenic rivers:** There are no designated wilderness areas or wild and scenic rivers. Kenmore is a city and within the King County Urban Growth Area.
- **Threatened or endangered species habitat:** See response to Question 2. Updates to fish and wildlife habitat conservation regulations are based on best available science.
- **Historic or cultural sites:** The SMP and CAR amendments do not alter protection of the City's regulations pertinent to historic or cultural sites.
- **Wetlands:** Wetland regulations would improve consistency with State classification and rating frameworks and improve mitigation standards. As noted, in Section A, the proposed changes include:
  - Wetland ratings changed to match the Department of Ecology's rating scheme, including updates to wetland buffers to coordinate with the rating system and adoption of Ecology's wetland mitigation ratios.
  - Eliminated buffer reduction with enhancement tool; and replaced it with requirement to enhance degraded buffers when a proposal will increase site impervious surface area by more than 500 square feet.
  - New more flexible, standards for walkways and trails in wetlands and buffers. Walkways and trails are currently allowed in buffers, and new trails and walkways standards would include criteria allowing those that are part of an approved public park or trail plan and that minimize native vegetation removal.
  - Modifications of buffers transected by roadways or isolated by existing development allowed. Where roads or existing development intervene the buffer functions and values would be truncated.
  - Department of Ecology's wetland mitigation ratios adopted. Mitigation standards would require robust application of the mitigation sequencing process such as avoidance, minimization, etc.
  - Standards for mitigation banking, in-lieu fee programs, and alternative mitigation plans included. When compensation is allowed, banking and in-lieu fees may result in a better ecological outcome.

- **Floodplains:** Changes to floodplain regulations were designed to be compatible with FEMA standards and simplify and avoid confusion with holdover King County regulations that do not apply in Kenmore.
  - Standards for flood hazard areas and frequently flooded areas consolidated (Title 16, Division II and Chapter 18.55, Article XIX).
  - No real adjustment to standards, but elimination of some King County holdover designations (zero-rise floodway and flood fringe, for example).
  - Revisions reviewed by FEMA to be certain changes comply with the National Flood Insurance Program.
- **Prime farmlands:** There are no lands designated as being of long-term commercial significance for agriculture. Kenmore is a city and within the King County Urban Growth Area.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

The proposal is not likely to adversely impact environmentally sensitive areas or areas designated for governmental protection as described above.

5) *How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?*

The proposal includes provisions to protect shorelines and would not allow or encourage land or shoreline uses incompatible with existing plan. See the Cumulative Impacts Analysis Addendum, May 2019 for a discussion of how the proposed regulations meet Shoreline Management Act goals. Also see the City of Kenmore Critical Areas Regulations and Shoreline Master Program Gap Analysis and Recommendations, August 30, 2018, regarding science and professional recommendations supporting the proposed amendments.

The SMP regulations would be more consistent with Comprehensive Plan land use policies and zoning regulations by recognizing current business uses and zoning (e.g. the new Swamp Creek Commercial environment designation, shifts of existing residential development in some areas from Urban Conservancy to Shoreline Residential environment designation) and allowing for light industrial uses not heavy industrial uses. Per State direction, clearer regulations regarding parking are included. Shoreline buffers are modified to reflect current conditions such as development and impervious areas, while meeting the standard of no-net-loss of shoreline ecological function. Proposed updates to the SMP include:

- Creation of a new shoreline designation (Swamp Creek Commercial Environment).
- Clarification that Kenmore prohibits new heavy manufacturing or industrial uses in the shoreline.
- Transfer of some standards from the Shoreline Sub-Element into the shoreline regulations.
- Updated shoreline use table incorporates the same list of land uses as found in the Zoning Code.
- Proposed new section describes standards for commercial and light manufacturing uses.
- Proposed new section describes standards for parking.
- More expansive table describes shoreline modifications and conditions.

- Section on water access structures revised, including updated standards for overwater structures that are appropriate for the Sammamish River and consistent with Washington Department of Fish and Wildlife and U.S. Army Corps of Engineers requirements.
- Shoreline density and dimensions table revised, including buffers based on existing conditions for the Sammamish River and Swamp Creek (previously addressed by critical area regulations).
- Standards for parks and outdoor recreational facilities created.
- New sections added (from State rules) on developments not requiring shoreline permits or local reviews and relief from development standards
- New ability to consider/approve 5-year maintenance plans.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

None. The proposal is designed to meet the requirements of the Growth Management Act (GMA) and Shoreline Management Act (SMA) for compatible land use and to promote public access and environmental protection.

*6) How would the proposal be likely to increase demands on transportation or public services and utilities?*

Proposed amendments would amend criteria regarding public agency and utility exceptions including linear proposals for transportation and utilities but would not substantially change the demand for facilities. The CAR and SMP Update do not change underlying zoning use allowances or growth targets.

**Proposed measures to reduce or respond to such demand(s) are:**

See above. The proposal is not likely to increase demands on transportation or public services and utilities. No measures required.

*7) Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.*

The proposal does not conflict with local, state, or federal laws or requirements for the protection of the environment. The CAR amendments are designed to meet GMA requirements to address best available science; “special consideration” has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Revisions designed to be consistent with state and federal guidance include:

- Wetland ratings are changed to match the Department of Ecology’s rating scheme, including updates to wetland buffers to coordinate with the rating system and adoption of Ecology’s wetland mitigation ratios.
- Stream typing is changed to match the State’s scheme, including updated buffers to match the new typing system.
- Revisions to the CAR were reviewed by FEMA to ensure changes comply with the National Flood Insurance Program.

Environmental, legal, economic, and other factors considered in the public agency and utility exception amendments are documented in Best Available Science Evaluation, April 2019, Public Agency & Utility Exception (PAUE) prepared by BERK and Shannon and Wilson.

See the Cumulative Impacts Analysis Addendum, May 2019 for a discussion of how the proposed regulations comply with Shoreline Management Act goals. Some features designed to address consistency with state and local shoreline standards include:

- Updated shoreline use table incorporates the same list of land uses as found in the City's Zoning Code.
- Per State rules, a new section is added to the SMP on developments not requiring shoreline permits or local reviews and relief from development standards.