

2024 DOCKET/WORK PROGRAM PRIORITIZATION

Final Docket Approved by Council 1/9/24

The “docket” is the Planning Commission’s annual work program. Zoning Code Section 19.20.080 provides threshold review criteria for selecting projects to be placed on the docket. Criteria include how long it has been since the issue was last considered (more than two years unless there’s a compelling reason for taking something up again), correction of inconsistencies or clarifications, and serving the public interest.

Another criterion is availability of city resources—whether staffing levels and budget allow review of the proposal.

The attached prioritization chart identifies possible work program items recommended by the staff, the Planning Commission, the City Council, or other entities. Amendments are grouped by general topic. The proposed year of consideration and lead department are shown. A more complete description of each project follows the chart.

Along with assigning the docket to the Planning Commission, the City Council may directly review projects that are already consistent with the Comprehensive Plan. Work program items from several departments targeted for direct City Council review in 2024 are identified on the following pages.

Once Council has approved the docket, staff develops a schedule for Planning Commission and Council.

2024 Planning Commission Docket

The recommended 2024 Planning Commission docket is as follows (the number assigned to each project corresponds to its number in the prioritization chart). Staff anticipates that the majority of work will be focused on the Housing Element and implementing regulations:

3. December 2024 Comprehensive Plan Update:
 - A. Economic Development Sub-Element (Community Development)
 - B. Downtown Sub-Element including the following regulations: (Community Development)
 - C. Community Design Sub-Element (Community Development)
 - D. Natural Environment Sub-Element (Community Development)
 - E. Housing Element and Land Use Element including the following development regulations (Community Development)

14. Missing Middle Zoning Regulations

19. Cottage Housing

New State requirements related to housing growth targets at different income bands may require adjustment of the 2022 adopted Housing Element, this will be consistent with Countywide Planning Policies.

F. Land Use Element (Community Development)

Amend polices to be consistent with State Legislation on Middle Housing and ADU's. Any needed adjustments to the Land Use Map and Zoning map will also be reviewed.

G. Surface Water Element (Environmental Services)

H. Capital Facilities Element (Environmental Services)

In addition, staff also recommends Council accept the comprehensive plan amendment and rezone request from the Northshore School District for a residential parcel purchased by NSD adjacent to Inglemoor High School.

2024 Amendments to go directly to City Council

Community Development:

- 1. Consider Downtown uses
- 5. TOD “carve out regulations” (following completion of Swamp Creek corridor assessment and restoration opportunities see #21). Note: interim regulations for the “carve out” area will remain in effect until new regulations are adopted. Interim regulations require a public hearing every six months to extend (expires 3/11/24).
- 6. Apply minimum FAR Downtown and near 61st Avenue NE
- 15. Consider small houses on small lots
- 18. ADU regulations
- 37. Unit Lot Subdivision regulations

Development Services:

- 8. Parking ordinance for parking near transit corridors
- 23. Tree protection/preservation
- 28. Development code cleanup amendments, including
 - 17. Definition of household
 - 29. Replace marijuana with cannabis
 - 31. Non-conformance rule adjustments
- 32. Building code adoption
- 36. Burn ban ordinance

Engineering:

- 11. Title 10 vehicles and traffic code revision
- 26. Title 13 utilities and public works code cleanup amendments

Environmental Services:

- 21. Assess Swamp Creek restoration opportunities

Public Works:

- 20. Park rules update

City Manager:

- 35. Political Sign regulation review

Prioritization Chart

TBD = still to be determined
 EN = Engineering
 ESD = Environmental Services

CD = Community Development
 DS = Development Services
 CM = City Manager's Office

PW = Public Works

Item	Source	Need PC Review?	Recommend PC Review ?	Amendment scope	Could it be grouped?	Lead Department	Year?
LAND USE							
1. Downtown uses	EDS*	No	No	Medium	Yes	CD	2024
2. Heavy manufacturing amortization	Staff	No	No	Medium	No	CM/DS	2025
3. Comprehensive Plan Update (due 12/31/2024): A. Economic Development Element B. Downtown Sub-Element C. Community Design Sub-Element D. Natural Environment Sub-Element E. Housing Element F. Land Use Element G. Surface Water Element H. Capital Facilities Element I. Climate Action Element	State	Yes	Yes	Large	No	CD CD CD CD CD CD CD ESD ESD ESD EN	2024 2024 2024 2024 2024 2024 2024 2024 2024 2023 complete

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped?	Lead Department	Year?
J. Transportation Element K. Public Facilities Element L. Public Utilities Element						CD CD	2023 complete 2023 complete 2023 complete
4. Lakepointe: a. a. Subarea Plan. b. Review/eliminate P-Suffix conditions New	Staff	Yes	Yes	Large	Yes	CD	2025
5. Review of the TOD "carve-out" regulations	Council	No	No	Medium	No	CD	2024
6. Apply minimum FAR Downtown and near 61 st Avenue NE	Comp Plan & Staff	No	No	Medium	Yes	CD	2024
7. Bastyr Master Plan (extend/amend/new). Need for related comp plan amendment or rezoning unknown. New	Bastyr & staff	Yes if comp plan amended	Yes if comp plan amended	Large	Yes	CD	2025
TRANSPORTATION/TRANSIT							
8. Transit corridor parking standards	State	Maybe	Yes	Large	No	DS	2024
9. CTR ordinance	State	No	Yes	Medium	Yes	CD	2025+
10. Airport Plan	State	Yes	Yes	Large	No	CD	2025+
10. Transportation impact fee study	State	No	No	Medium	Yes	EN/CD	2023 completed

Item	Source	Need PC Review?	Recommend PC Review ?	Amendment scope	Could it be grouped?	Lead Department	Year?
11. Title 12, Streets and Bridges, code revisions	Staff	No	No	Medium	No	EN	2023 completed
11. Title 10, Vehicles and Traffic, code revisions	Staff	No	No	Medium	No	EN	2024
AFFORDABLE HOUSING							
12. Housing Strategy Plan update	Comp Plan	No	Yes	Medium	Yes	CD	2025
13. Finish mobile home park regulations	Council	Yes	Yes	Large	No	CD	2025
14. Middle housing regulations (regulations need to be adopted by June 2025) New	State	Yes	No	Large	Yes with comp plan	CD	2024
15. Small houses on small lots	Comp Plan	No	No	Medium	Yes	CD	2024
16. Increase SEPA review housing thresholds	Staff	No	No	Medium	No	DS	2025
17. Adjust “household” definition	State	No	No	Small	Yes	DS	2024
18. ADU regulations (to comply with 2023 state legislation by Jun) New	State	No	No	Medium	Yes	CD	2024
19. Cottage Housing regulations New	Comp plan/ Staff	No	Yes	Medium	Yes with comp plan	CD	2024

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped?	Lead Department	Year?
PARKS							
20. Update Park rules	Staff	No	No	Medium	No	PW	2024
CRITICAL AREAS							
21. Assess Swamp Creek restoration opportunities	Council	No	No	Large	No	ESD	2024
22. Review reasonable use exception criteria New	staff	No	No	Small	Yes	DS	2025
TREES							
23. Tree protection/preservation	Council	No	Yes	Large	Yes	DS	2023/2024
ECONOMIC DEVELOPMENT							
24. Economic Development Strategy: A. Incentives for office development B. Address additional priorities C. Incentives for ground-floor nonresidential uses	EDS	No	Yes	Medium	Yes	CD/CM	2025
MISCELLANEOUS							
25. Review general change-of-use standards	Staff	No	No	Small	Yes	DS	2025
26. Expand Multifamily Tax Exemption (MFTE) in downtown area(s)	Staff	No	No	Medium	No	DS	2025

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped?	Lead Department	Year?
27. Title 13 code cleanup amendments	Staff	No	No	Small	Yes	EN/ESD	2024
28. Development code cleanup amendments	Staff	No	No	Small	Yes	DS	2024
29. Replace "marijuana" with "cannabis"	Staff	No	No	Small	Yes	DS	2024
30. Address vesting	City Attorney	No	No	Small	No	DS	2025
30. Code enforcement tools	Staff	No	No	Medium	No	DS	2023 completed
31. Nonconformance rule adjustments	Staff	No	No	Small	Yes	DS	2024
32. Reassess temporary display rules	Staff	No	No	Small	Yes	DS	2023 completed
32. Building Code adoption	State	No	No	Medium	No	DS	2024
33. Transfer of Development Rights New	Staff	No	No	Large	No	DS	2025
34. Small-Scale neighborhood commercial uses New	Comp Plan	No	No	Medium	No	CD	2025
35. Political Signs New	Staff	No	No	Small	No	CM	2024
36. Burn Ban Regulations New	council	No	No	Small	No	DS	2024

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped?	Lead Department	Year?
37. Unit Lot Subdivision Regulations New	Staff	No	No	Medium	No	CD	2024

*Economic Development Strategy

Explanation of Prioritization Chart Items

Following are more complete descriptions of each item in the docket prioritization chart:

LAND USE

1. Downtown uses. This project would review permitted land uses in the downtown, considering the possibility, for example, of allowing clean light manufacturing, prohibiting drive-throughs and gun sales, and addressing educational services. This project would also consider incentives for ground floor non-residential uses.

2. Heavy manufacturing amortization. This project would review the feasibility of amortizing existing heavy manufacturing uses, potentially through property-owner agreements.

3. Comprehensive Plan Update. The State-required update of the City's Comprehensive Plan is due in December 2024

New State requirements related to housing growth targets at different income bands may require adjustment of the 2022 adopted Housing Element following ratification of Countywide Planning Policies in 2023. 2023 State Legislation on Missing Middle Housing will require amendments to the 2022 adopted Housing Element and Land Use Element. Remaining Elements will be on the 2024 docket as noted above.

4. Lakepointe Subarea Plan and P-Suffix Conditions. The planned future of the Lakepointe site could be considered if talks with a private developer are stalled and/or based on other development options. Review and elimination of P-suffix conditions could be considered as part of a future Lakepointe development plan.

5. Review of the Transit-Oriented Development (TOD) "carve-out" regulations. A "carve-out" of the City's updated TOD regulations was made in 2022 pending a Swamp Creek corridor assessment (#21). In the "carve-out" the pre-existing interim zoning rules were retained. Once the corridor assessment is complete, the "carve-out" regulations should be revisited.

6. Minimum FAR Downtown and in the area near 61st Avenue NE. Currently, single-story buildings can be constructed in the Downtown and surrounding areas. A Comprehensive Plan policy supports a minimum floor area ratio (FAR) to mandate a minimum building height of two stories.

7. Bastyr Master Plan was approved in 2009 and extended through 2025 through a Development Agreement minor amendment process. The Master Plan will need to be extended beyond 2025. Depending on what Bastyr's plans are for future growth/uses a comprehensive plan amendment and/or rezone and/or amended or new master plan may be required.

TRANSPORTATION/TRANSIT

8. Transit corridor parking standards. This project would assess existing parking standards to determine whether parking requirements could be reduced, consistent with State law. (Currently, an applicant may reduce parking requirements if documented through a parking demand analysis.) This project began in 2021 but was deferred to allow for a DEI analysis.

9. CTR ordinance. State law requires that cities have a commute trip reduction (CTR) ordinance applicable to businesses which have more than 100 full-time employees. State CTR funds are not available to jurisdictions without an ordinance. Kenmore's largest employer, Bastyr University, already has its own CTR plan, required through the Bastyr University Master Plan.

10. Airport Plan. State law requires that cities with airports have an Airport Plan in place to protect continued operation of the airport. Kenmore has incorporated information and a number of policies into its Comprehensive Plan related to Kenmore Air that would be addressed through SEPA review for new development proposals, however, a formal airport plan has not been developed.

~~10. Transportation impact fee study. Transportation impact fees would be reviewed in conjunction with the Transportation Element update. Completed 2023~~

~~11. Title 12, Streets and Bridges, amendments. A list of possible amendments to the City's street standards is maintained by EN. This project also would include review of potential new regulations related to transit stops and stations, and other amendments to update Title 12. A former item--"to address franchise process and requirements"--would be incorporated. Completed 2023~~

11. Title 10, Vehicles and Traffic, amendments. The City's traffic safety and traffic management policies are maintained by EN. This project would include review of potential amendments related to on-street parking and new regulations related to alternative modes of travel (e-bikes, scooters, bike share, etc.), along with other potential amendments to update Title 10.

HOUSING

12. Housing Strategy Plan update. This project includes review and re-prioritizing of the projects within the Housing Strategy Plan adopted in 2017.

13. Phase 2 of the manufactured housing communities project (future upzoning of properties on the north side of SR-522) was put on hold pending appeal of the Phase 1 ordinance. That appeal is ongoing and likely will not be resolved until 2024+.

14. Middle housing code amendments. Comprehensive Plan amendments to support middle housing within ¼-mile of the City's two main transit corridors were adopted in 2022. Implementing zoning regulations have not been adopted. State Legislation passed in 2023 will require amendments to the adopted 2022 Housing Element and Land Use Element. Implementing zoning regulations must be in place by June 2025.

15. Smaller houses on smaller lots. An implementing measure of the Comprehensive Plan is to look at minimum lot sizes in conjunction with regulations for maximum house size.

16. Increase SEPA review thresholds for housing. State law allows the SEPA exemption level to be raised from 20 multifamily units to 60 multifamily units and 20 single-family units to 30 single-family units. To increase these thresholds, the City must demonstrate that existing regulations adequately provide for environmental analysis, protection and mitigation of impacts to the environment.

17. Revise definition of "Household." State law now prohibits zoning rules from specifying a maximum number of unrelated individuals that may live together in a single dwelling unit. Standards from the Building Code still would apply.

18. Accessory Development Unit (ADU) Regulations: State Legislation adopted 2023 requires amendments to City regulations by June 2025.

19. Cottage Housing Regulations: Cottage housing is a type of middle housing. City Council expressed interest in cottage housing during middle housing discussions in 2021-2022. Implementing regulations could be combined with amendments to the land use and housing elements.

PARKS

20. Park rules update. Titles 8 and 9 address a number of park-related issues, including how to handle park use and reservations.

CRITICAL AREAS

21. Critical area and shoreline rules were updated in 2019/2020. As part of the recent TOD amendments, Council authorized a “carve-out” of the area near Swamp Creek to consider whether restoration in the area is a priority and whether property easements should be purchased to facilitate restoration. The Swamp Creek corridor assessment will study the entire length of Swamp Creek in Kenmore and determine restoration needs and priorities. Results will determine the actions to be taken in the TOD “carve-out” area near the Creek (5.).

22. Review Reasonable Use Exception (RUE) Criteria. RUE is a land use process that applies when a lot is entirely impacted by critical areas. Typically a reasonable use is to allow a single-family residence with minimal impacts to critical areas.

TREES

23. Tree protection/preservation. This project began in 2023.

- A. Increase the tree density requirement for new development;
- B. Decrease yearly allowances for single-family tree removal;
- C. Always require tree replacement;

- D. Create a tree fund for instances where replacement is infeasible (“fee in lieu”); could include tree rebate program for planting on single-family lots.
- E. Retain trees in the perimeter landscape
- F. ~~Establish an exceptional tree program completed 2023~~

ECONOMIC DEVELOPMENT

24. Economic Development Strategy follow-up. This project includes review of priority items from the Economic Development Strategy that was adopted in 2018. In 2023 a new “three prong” approach was adopted for economic development, aligned with the adopted Economic Development Strategy: 1. Be a well run city; 2. Seize strategic opportunities; 3. Focus on key partnerships.

MISCELLANEOUS

25. Review general change-of-use standards. When a business changes from one type of use to another, the Zoning Code process for review is unclear. The Building Code has change of use standards. Standards in the Zoning Code need adjustment to clarify the required permit process.

26. Expand the Multifamily Tax Exemption (MFTE). The MFTE can be used in some parts of the downtown and in the TOD District but is not available in other areas of the City. The City may wish to expand the MFTE to remaining parts of the City’s downtown, including Lakepointe. MFTE is an important incentive to affordable housing development.

27. Title 13 code cleanup amendments. Staff have identified several minor code provisions in Division 1 of Title 13, Utilities and Public Works, needing revision, along with other potential minor revisions to Division 3. If Division 2 also needs minor revisions those would be coordinated with Environmental Services staff

28. Development code cleanup amendments. Staff has identified several minor code provisions in the Subdivision and Zoning Codes needing revision.

29. Replace “marijuana” with “cannabis.” The new terminology reflects changes at the State level.

30. Vesting rules. Case law holds that vesting applies only to building permits, plats, and development agreements unless a city's code provides more liberal allowances. Kenmore has extended vesting to certain types of zoning permits. In the future, as major code amendments are made (particularly related to critical areas), reconsideration of these rules may be warranted.

~~30. Code enforcement tools. Revisions to the code enforcement standards (for example, use of the International Property Maintenance Code and revised standards for vegetation maintenance and residential outdoor storage) could strengthen the City's code enforcement program. Completed 2023~~

31. Nonconformance rule adjustments. Current nonconformance rules allow, in some cases, continuation of a nonconforming use beyond the typical one-year period if certain types of paperwork are submitted. A code revision would require that the nonconformance be physically operating to continue nonconformance protections. This item could be combined with item 27, Development Code cleanup amendments.

~~32. Temporary display amendments. Amendments adopted last year need additional revision. This item could be combined with item 27, Development Code cleanup amendments. Completed 2023.~~

32. Building Code adoption. Per RCW 19.27, the City is required to enforce the State Building Code which effectively requires the City to adopt the Building, Plumbing, and Mechanical codes as adopted and amended by the State. This is typically done on a three-year cycle. It is also an opportunity to review the City's construction and maintenance codes for any needed local updates.

33. Transfer of Density Credits/Transfer of Development Rights. The zoning code allows transfer of density credits from one site to another in certain circumstances. Transfer of density credits is handled between private parties with documentation provided to the City until such time as the City enters into a formalized transfer of development rights (TDR) process through King County or another agency. Exploring options for a TDR program and process.

34. Small-Scale Neighborhood Commercial Uses: Adopted Land Use Policy, consider small-scale neighborhood commercial uses within walking or bicycling distances of homes to increase residents' opportunities to meet their daily needs without having to drive. Preliminary analysis was completed by consultant LDC as part of the missing middle housing analysis in 2023.

35. Political Signs: Review political sign regulations to ensure compliance with state law.

36 Burn Ban Ordinance: At the 2023 City Council retreat, Council asked staff to look into a burn ban ordinance for Council consideration.

37. Unit Lot Subdivision Regulations: Provides for fee-simple ownership of lots on which townhome dwellings are placed. SB5258 passed by the legislature in 2023.