



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3235 ~ www.kirklandwa.gov

PLANNING DEPARTMENT PRE-SUBMITTAL MEETING INFORMATION

PLANNING DEPARTMENT STAFF CONTACT

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Note: Pre-submittal meetings do not vest a project. In addition, the information related by the City staff is a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary development permit, the role and authority of the City staff is advisory only. Final recommendation and decision on such permits can only be made, after public comment and/or public hearing, by the Planning Director (as to Short Plats and Zoning Code Process I Permits), the Hearing Examiner, or the City Council, depending upon the type of permit.

DATE: September 22, 2015 at 2:00 pm

FILE NO.: PRE15-01809

PROJECT ADDRESS: 143xx Simons Road NE

PROJECT NAME: Bristol Lane Subdivision/PUD

APPLICANTS PROJECT DESCRIPTIONS:

Alternative A is a proposed subdivision of the 3.79 acre site into 14 single family lots all of which meet the minimum lot size of 7600 SF in the RSA 4 zone with 3 lots having a proposed common access point from Simonds Road NE and 11 lots having an access road from 97th Ave NE.

Alternative B is a proposed 14-lot Planned Unit Development and subdivision clustered entirely on the southern portion of the site with lot sizes that are approximately a minimum of 5000 SF. This proposal permanently sets aside 1.8 acres adjacent to Simonds Road NE as open space for a future Park and possible trailhead for the trail system across Finn Hill that is now just in the discussion stage. The Public Benefit for this PUD includes public access to over 400 LF of Juanita Creek and its tributaries.

PARCEL NO.: 1926059085

LOT SIZE PER KING COUNTY ASSESSOR: 167706 square feet

ZONE: RSA 4 (low density residential with a minimum lot size of 7,600 and a maximum density of 4 dwelling units per acre)

SENSITIVE AREAS MAP: The maps indicate that there is stream and wetland on the subject property. There are also steep slopes on the subject property. The USDA Soils Survey has identified this property as located in the Kitsap series and offers the following description:

KpD Kitsap silt loam, 15 to 30 percent slopes (KpD) .-This moderately steep soil is similar to Kitsap silt loam, 2 to 8 percent slopes, but the platy substratum generally is at a depth of about 40 inches. Soils included with this soil in mapping make up no more than 30 percent of the total acreage. Some areas are up to 15 percent Alderwood gravelly sandy loam; some are up to 15 percent the very deep, sandy Indianola soils; and some are up to 2 percent the poorly drained Bellingham, Seattle, and Tukwila soils. Runoff is rapid, and the erosion hazard is severe. Slippage potential is severe. This soil is used for timber and pasture. Capability unit Vle-2; woodland group 2dl.

HANDOUTS SENT TO MEETING ATTENDEES

- A. Preliminary Subdivision Application
- B. Development Fee Schedule
- C. Public Notice Sign Handout
- D. Tree Retention Plan– Subdivisions Handout
- E. Integrated Development Plan Handout
- F. Development Fee Schedule
- G. KZC Chapter 14 - RSA 4 Zoning Information
- H. KZC Chapter 85 - Geologically Hazardous Areas
- I. KZC Chapter 90 – Drainage Basins
- J. KZC Chapter 125 – Planned Unit Development
- K. KMC Title 22 - Subdivisions
- L. Building Department Conditions
- M. Fire Department Conditions
- N. Public Works Department Conditions

RESPONSE TO QUESTIONS

- A. Is the Maximum Development Potential calculated correctly?
Planning Response: Almost, the only error is that you can't round up from 13.5 to 14 (see KZC Section 90.135.1, 4th paragraph, 2nd sentence reads: For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction.)
- B. What is the Parks Department perspective on the proposed Future Park?
Planning Response: They are open to the idea but have pointed out several issues such as the property to the west is privately owned and has a NGPE type easement recorded over the area in the tract. After checking with Parks you might want to consider working with the Neighborhood Association and/or the adjoining property owners to the west to see if they might be interested in dedicating the property to the City.
- C. What is the Stormwater Division's perspective on the Water Quality and Flow Control possibilities for Simonds Road NE as depicted on the PUD site plan.

Planning Response: The Planning Department will require that you address criteria found in KZC Section 90.90.3 – Storm Water Outfalls.

D. Are the BSBL depicted correctly?

Planning Response: They appear to be correct.

SEPA – is required on all Preliminary Subdivisions.

PUD – you will need to address the PUD approval criteria.

PRELIMINARY SUBDIVISION – you will need to comply with KMC Title 22, Chapters 22.12, 22.16, 22.28, and 22.32

PROCESS

- A. Concurrency – is required for preliminary subdivisions
- B. SEPA - is required for preliminary subdivisions
- C. Preliminary Subdivision
- D. Zoning Permits: –
 - 1. Planning Official Review: is required for the proposed piped stormwater outfall in a stream buffer
 - 2. Process I Review: is required for Buffer Averaging of a Class B stream
 - 3. Planned Unit Development: if you decide to move forward with this option
- E. Grading/Landsurface Modification Permit: will be required

FEES – *All permits will be assessed a 3.5% Mybuildingpermit.com surcharge based on my understanding of your proposal*

A.	Preliminary Subdivision:	
1.	Base fee	8,946.00
2.	Fee per lot (\$1,077)	14,001.00
	Subtotal.....	22,947.00
B.	Planned Unit Development (½ price)	
1.	Base fee	5,784.50
2.	Fee per lot (\$425)	2,762.50
	Subtotal.....	8,547.00
C.	Process I Review – of the stream buffer averaging (½ price)	
1.	Base fee	2,126.50
2.	Fee per lot (\$496)	3,224.00
	Subtotal.....	5,350.50

D. Planning Official Review of two piped storm water outfalls (½ price) 2,127.00

E. SEPA/Environmental Checklist (NOTE: there will also be a SEPA review fee that is based on the peak number of PM Peak Trips)

1. Base fee 927.00

2. Application involving sensitive areas 567.00

Subtotal 1,494.00

Subtotal of all Application Fee 40,456.50

MyBuildingPermit.com Fee 1,416.29

TOTAL APPLICATION FEE.....41,881.79

F. Final Subdivision Fee:

1. Base fee 2,127.00

2. Fee per lot (\$213) 2,769.00

Subtotal Final Subdivision Application Fee 4,896.00

MyBuildingPermit.com Fee 171.36

TOTAL FINAL SUBDIVISION APPLICATION FEE5,067.36

MBP APPLICATION PATH: We encourage all applications to be made electronically through mybuildingpermit.com. For land use applications, the following chart indicates which options you would select in MBP for the proposed application type(s).

Jurisdiction	Application Type	Project Type	Activity Type	Scope of Work
<i>Kirkland</i>	<i>Land Use</i>	<i>Any Project Type</i>	<i>Land Division</i>	<i>Subdivision – Process IIA</i>
<i>Kirkland</i>	<i>Land Use</i>	<i>Any Project Type</i>	<i>Project or Site Plan Approval</i>	<i>Zoning Permit – Process IIB</i>
<i>Kirkland</i>	<i>Land Use</i>	<i>Any Project Type</i>	<i>Critical Areas</i>	<i>Sensitive Areas – Process I</i>
<i>Kirkland</i>	<i>Land Use</i>	<i>Any Project Type</i>	<i>Critical Areas</i>	<i>Sensitive Areas – Process I</i>
<i>Kirkland</i>	<i>Land Use</i>	<i>Any Project Type</i>	<i>Critical Areas</i>	<i>Sensitive Areas – Planning Official</i>

DEVELOPMENT STANDARDS

SUBDIVISION STANDARDS

22.28.030 Lot Size. Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

22.28.050 Lot Dimensions. For lots smaller than 5,000 square feet in low density zones, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot.

22.28.130 Vehicular Access Easements. The applicant shall comply with the requirements found in the Zoning Code for vehicular access easements or tracts.

22.28.210 Significant Trees. A Tree Retention Plan was submitted with the short plat in which the location of all proposed improvements were known. These trees have been assessed by the City's Urban Forester. They are identified by number in the following chart.

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. These trees have been assessed by the City's Urban Forester. They are identified by number in the following chart.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should be at least ten feet in width.

Prior to Recording:

22.16.030 Final Plat - Lot Corners. The exterior plat boundary, and all interior lot corners shall be set by a registered land surveyor.

22.16.040 Final Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the subdivision documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

22.16.150 Final Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

22.28.050 Lot Dimensions. The owner of the property shall sign a covenant to ensure that the garage will be located at the rear of any lot which is smaller than 5,000 square feet in a low density zone, has a lot width at the back of the required front yard less than 50 feet, and is not a flag lot.

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot

created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

Prior to occupancy:

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

22.32.090 Maintenance Bonds. A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

ZONING CODE STANDARDS

85.25.1 Geotechnical Report Recommendations. The geotechnical recommendations contained in the report shall be implemented.

85.25.3 Geotechnical Professional On-Site. A qualified geotechnical professional shall be present on site during land surface modification and foundation installation activities.

90.45 Wetlands and Wetland Buffers. No land surface modification may take place and no improvement may be located in a wetland or within the environmentally sensitive area buffers for a wetland, except as specifically provided in this Section.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.55 Monitoring and Maintenance of Wetland Buffer Modifications: Modification of a wetland buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with the criteria found in 95.55 and which is prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

90.80 Streams. No land surface modification may take place and no improvements may be located in a stream except as specifically provided in this Section.

90.90 Stream Buffers. No land surface modification may take place and no improvement may be located within the environmentally sensitive buffer for a stream, except as provided in this Section.

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.100.3 Monitoring and Maintenance of Stream Buffer Modifications: Modification of a stream buffer will require that the applicant submit a 5-year monitoring and maintenance plan

consistent with KZC section 95.55. This plan shall be prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

90.125 Frequently Flooded Areas. No land surface modification may take place and no improvements may be located in a frequently flooded area, except as specifically provided in Chapter 21.56 of the Kirkland Municipal Code.

95.50 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

105.20 Required Parking. Two parking spaces are required for each detached dwelling unit.

105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other

exceptions to these requirements.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

115.115.3.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

152.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to recording:

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Prior to issuance of a grading or building permit:

85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has

reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

85.40 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County.

85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County.

90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland.

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

Prior to occupancy:

85.25.3 Geotechnical Professional On-Site. The geotechnical engineer shall submit a final report certifying substantial compliance with the geotechnical recommendations and geotechnical related permit requirements.

90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter.

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

95.51.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning and Building Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

95.51.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.



CITY OF KIRKLAND SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 ~ www.kirklandwa.gov

SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

This permit application packet is designed to obtain all the information necessary to allow the City to make a well-informed decision on your application. Please refer to the attached application checklist to determine the materials which must be submitted to complete your application. All application materials are public information.

Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent sections of the Subdivision Ordinance, other City regulatory ordinances, inspection of the property, as well as public comments.

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT COMPLIANCE WITH CITY REGULATIONS. YOU MUST MEET WITH A PLANNER TO OBTAIN GUIDANCE ON THE APPLICATION MATERIALS YOU MUST SUBMIT.

Copies of City ordinances such as the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Shoreline Master Program are available at the Department of Planning and Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6851. The City ordinances can also be found on-line at <http://www.kirklandwa.gov>.

As a result of your application, you may be required to make improvements such as sidewalks, curbs, street trees, or utilities undergrounding within the rights-of-way abutting your property. Please refer to Chapter 110 of the Zoning Ordinance and/or consult with a planner to determine if this is the case.

NOTE: Information provided by the Department of Planning and Community Development represents a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a short plat, the role and the authority of the Department of Planning and Community Development staff is advisory only. A final decision only is made, after public comment, by the Planning Director.



CITY OF KIRKLAND SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

APPLICATION CHECKLIST: ~~SHORT SUBDIVISION~~/PRELIMINARY SUBDIVISION

The following is a list of materials which must be submitted with your application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Planning and Community Development if you have a question. Please do not turn in your application until all items which apply to your proposal have been checked off. A hearing date will not be assigned until your application materials are complete and the City has completed its review of your Environmental Checklist.

RETURN THIS CHECKLIST WITH APPLICATION

Applicant to
check if
completed

Pre-Submittal Meeting [Met with Desiree Goble 10.01.15 @ 3:00 pm](#)

A meeting with a planner is required within the six months immediately prior to submittal.

Road Concurrency Review

Prior to submittal of a Preliminary Subdivision application, a road concurrency application must be submitted to the Public Works Department and a test notice of passing must be received (short subdivisions are exempt from concurrency review). A copy of the test notice must be submitted with the subdivision application. Concurrency applications are available from the Planning or Public Works Department.

Application

A completed application form and supporting affidavits (pages 6 & 7). The application must be signed by all individuals holding an ownership interest in the parcel as listed on the Title Report.

A completed and signed [Environmental Checklist](#) (Consult with Department of Planning and Community Development, a checklist is usually not required for a short subdivision). SEPA requires a complete traffic report. Refer to the Transportation Impact Analysis Guidelines memo and contact the City's Traffic Engineer for all required data. In addition, other impact analysis may be required. Consult with the assigned planner.

Fees [See PCD Meeting Notes](#)

A check to the City of Kirkland for the filing fee and, if applicable, Environmental Checklist fee (fee schedule is attached).

NOTE: Other fees, including Park Impact Fees and Road Impact Fees, may be required during the development review process.

Neighborhood Meetings [We recommend that you discuss your project with adjoining property owners prior to submittal.](#)

A neighborhood meeting(s) has been held (see attached instruction sheet on neighborhood meetings to determine if required).



CITY OF KIRKLAND

SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

Survey

A boundary and topographic survey of the proposed plat certified by a registered land surveyor licensed in the State of Washington, together with five (5) copies of dimensioned plans* on 18" x 24" sheets, drawn at a scale between 1" = 20' and 1" = 50', in ten-foot intervals, and folded to 8-1/2" x 11" size, containing the following information:

a. If proposing a short plat:

1. Reference the plat to either the Washington Coordinate System, North Zone or the King County Coordinate System, or properly determined subdivision corner referenced to either of the above with a physical description of such corners.

We suggest and encourage surveyors to reference the City of Kirkland's horizontal control data published in 2002, found on the Public Work's webpage at http://www.kirklandwa.gov/depart/Public_Works/Survey_Control.htm.

The horizontal datum is North American Datum of 1983(1991), [NAD 83/91], based on the High Accuracy Reference Network [HARN] as stipulated by the Washington State statute. The vertical datum is North American Vertical Datum of 1988 [NAVD 88].

2. The short plat will be described and corners set with a field traverse with a linear closure of 1 to 10,000 and corresponding angular closure as specified in W.A.C. 332-130-070.

b. Proposed name of the short/preliminary plat.

c. Location by section, township, range, and/or other legal description.

d. Name, address and phone number of the applicant and agent, if any.

e. Name, address, phone number and signed seal of registered land surveyor preparing the short/preliminary plat.

f. Scale of short/preliminary plat, date and north arrow.

g. Layout, dimensions and size (excluding access easements) of existing and proposed lots, with each lot consecutively numbered.

h. Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimensions and size of said parcels.

i. Names, location, and dimensions, of existing and proposed rights-of-way and easements serving the short/preliminary plat. (Right-of-way standards are established by Chapter 110 of the Zoning Code. Easement standards are established by Chapter 105 of the Zoning Code).

~~j. Names, locations and dimensions of any Hazardous Liquid Pipeline Corridors (Olympic Pipeline) within 150 feet of the subject property, or if the proposal is for a high consequence land use, within 500 feet of the subject property (Standards for development near Hazardous Liquid Pipelines are contained in Chapter 118 of the Kirkland Zoning Code.)¹~~ **N/A**

¹Subsequent to approval of the short plat, the mylar which is submitted for recording shall show only items a - j.



CITY OF KIRKLAND SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

- k. If an existing primary structure is proposed to be retained, provide distances to/from accessory structures (if any).
- l. Location, dimension, and names of adjacent existing parks and other public spaces, structures, lots, blocks, etc. – shown in dotted lines in scale with the proposed short plat.
- m. Location and dimensions of existing and proposed improvements in existing and proposed rights-of-way and easements serving the short plat (right-of-way standards are established by Chapter 110 of the Zoning Code. Easement standards are established by Chapter 105 of the Zoning Code).
- n. Utility Information (on, under, or over the property):
 - 1. Existing and proposed water (including fire hydrants), sewer, and surface water systems.
 - 2. Existing and proposed franchise utility locations such power, gas, cable, and phone (including location of nearest utility poles).
- o. Existing topography of the land indicated by contours at two-foot intervals.
- p. Location and extent of significant natural features such as streams and wetlands and water bodies on and immediately adjacent to the property.
- q. Limit of grading line for right-of-way, access easement, and utility construction.
- r. A notation which shows the dimensioned setback from existing or proposed lot lines of all existing structures which are within 20 feet of existing and proposed lot lines.
- s. The lot lines of adjoining properties for a distance of at least 50 feet.
- t. Zoning classification of the property and adjoining properties.
- u. Check with the City to determine if your project requires a pedestrian easement and if it does show this easement location on your plans.

Reports:

- a. A title company certification which is not more than 30 calendar days old containing--
 - 1. A legal description of the total parcel sought to be subdivided; and
 - 2. A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and
 - 3. Any easements or restrictions affecting the property with a description, purpose and reference by auditors file number and/or recording number; and
 - 4. Any encumbrances on the property; and
 - 5. Any delinquent taxes or assessments on the property.
- b. Mathematical lot closures are required for all short plat and preliminary subdivision proposals.
- c. If an existing primary structure is proposed to be retained, provide gross floor area data



CITY OF KIRKLAND

SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

(square feet) for the primary structure. Refer to Zoning Code Section 115.42 for direction on what to include in gross floor area.

- d. Preliminary drainage report (Technical Information Report/TIR):
- e. A report by a qualified geotechnical engineer or engineering geologist (per Zoning Code Chapter 85) may be required if development will occur on or near a landslide or seismic hazard area. If required, two copies are to be submitted to the Planning Department.
- f. Tree Retention Plan. Subject to Kirkland Zoning Code 95.30.
- g. Stream and/or Wetland Reports
- h. Traffic Report (required when applying for a Preliminary Subdivision)

Other:

a. All materials submitted for this application must also be provided on CD to the Planning Department for presentation at public meetings and/or permanent storage. The following standards apply to the preparation and formatting of those materials:

- Files must be in their native electronic format if they are created in Word, Excel, PowerPoint, or programs that create JPEG or GIF extensions.
- Any file that is not in one of these formats must be **converted** from its native format to Adobe PDF rather than being scanned.
- Any memo/report that is created from multiple formats must be combined and submitted as one PDF document.
- All memos/reports must be either 8-½ x 11 or 11 x 17 inch size. Legal sized documents will not be accepted.
- Photographs of models and/or material/color boards, if prepared, are required.

- b. Exterior boundary corners indicated on the ground. Staking of proposed interior lot corners may also be required.
- c. Letter of sewer and/or water availability if sewer and/or water service is to be provided by a utility other than the City.
- d. A map showing any adjoining property owned by the owner of the land proposed to be subdivided.
- e. If lot sizes in a preliminary subdivision are proposed to be averaged, provide lot area calculations.
- f. For newly created streets, a road profile and cross section.

~~g. If the subject property is within 150 feet of a Hazardous Liquid Pipeline Corridor, or if the proposal is for a high consequence land use, within 500 feet of the subject property verification that the pipeline operator has reviewed the proposed development plans. A transmittal form provided by the Planning Department is to accompany the plans for operator review.~~

N/A

h. Other Required Information:

- 1. **Make sure that you show PSE's proposed utility location.**



CITY OF KIRKLAND SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

2. _____

3. _____

Public Notice

You are responsible for obtaining and erecting public notice sign(s) on the subject property. You will need to provide for and erect public notice sign(s) prior to the Planning Official determining that the application is complete. In order to ensure that the signs are installed in a timely manner, you should contact a Sign Company and arrange for the appropriate number of signs to be made. See attached instruction sheet about Public Notice Signs. Any delay in installing the board will result in procedural deficiencies and/or delays.

Please provide the name of the Sign Company that you have contacted to make the public notice signs: _____



CITY OF KIRKLAND SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

APPLICATION FORM: PRELIMINARY OR SHORT SUBDIVISION

PRIMARY CONTACT PERSON: _____ Daytime
 Applicant's name: _____ phone: _____
 Applicant's mailing address: _____
 Fax Number: _____ e-mail Address: _____

Note: If applicant is not property owner, he/she must be authorized as agent (see page 7).

SECONDARY CONTACT PERSON: _____ Daytime
 Property Owner's name: _____ phone: _____
 Owner's address: _____
 Fax Number: _____ e-mail Address: _____

AN ELECTRONIC COPY OF OR A WEB LINK TO THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF FINAL DECISION WILL BE EMAILED TO THE APPLICANT AT THE ABOVE LISTED EMAIL ADDRESS. IF YOU PREFER TO RECEIVE A PAPER COPY, THEY ARE AVAILABLE UPON REQUEST. PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER'S EMAIL ADDRESS:

YES _____ NO _____

(1) Property address (if vacant indicate lot or tax number, access street and nearest intersection):

(2) Tax parcel number: 192605-9085

(3) The property is zoned: _____ and is presently used as: _____

(4) Size of property _____

(5) Number of lots proposed: _____

(6) Proposed name of subdivision: _____

(7) Intended use of the proposed subdivision: _____

(8) If one large lot suitable for subdivision remains, explain reason: _____

(9) Has the property been subdivided before? _____ If so, what is the Planning Department permit number? _____

(10) Have you met with a planner prior to submitting your application? YES NO _____

Name of planner: Desiree Goble Date of pre-submittal meeting: 09.22.15

Pre-submittal case #: PRE15-01809

YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL DOCUMENTS LISTED ON THE APPLICATION CHECKLIST ARE SUBMITTED.

YOU MAY NOT BEGIN ANY ACTIVITY BASED ON THIS APPLICATION UNTIL A DECISION, INCLUDING THE RESOLUTION OF ANY APPEAL, HAS BEEN MADE. CONDITIONS OR RESTRICTIONS MAY BE PLACED ON YOUR REQUEST IF IT IS APPROVED. AFTER THE CITY HAS ACTED ON YOUR APPLICATION, YOU WILL RECEIVE FORMAL NOTICE OF THE OUTCOME. IF AN APPEAL IS FILED, YOU MAY NOT BEGIN ANY WORK UNTIL THE APPEAL IS SETTLED. YOU MAY ALSO NEED APPROVALS FROM OTHER CITY DEPARTMENTS. PLEASE CHECK THIS BEFORE BEGINNING ANY ACTIVITY. *If you suspect that your site contains a stream or wetland or is adjacent to a lake; you may need a permit from the state or federal government.*



CITY OF KIRKLAND

SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described on the short plat map, and designate _____ to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that 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.

Applicant

Property Owner #1

Signature: _____

Signature: _____

Name: _____

Name: _____

Address: _____

Address: _____

e-mail address: _____

e-mail address: _____

Telephone: _____

Telephone: _____



CITY OF KIRKLAND

SHORT PLAT OR PRELIMINARY SUBDIVISION APPLICATION

Agent (Other than Applicant)

Property Owner #2

Signature: _____

Signature: _____

Name: _____

Name: _____

Address: _____

Address: _____

e-mail address: _____

e-mail address: _____

Telephone: _____

Telephone: _____



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

**All permits will be assessed an additional 3.5% MyBuildingPermit.com surcharge.*

	FEE AMOUNT
Preliminary Project Review	
Pre-submittal Meeting, Integrated Development Plan, and/or Pre-design Conference No fee for second pre-submittal meeting if for Integrated Development Plan.	\$518.00
Planning Official Decisions	
Accessory Dwelling Unit <i>(not required if reviewed concurrently with a building permit)</i>	\$425.00
Administrative Design Review If application involves new gross floor area (new buildings or additions to existing buildings) No new gross floor area	\$2,127.00 No fee
Administrative Design Review	
Design Review Approval Extension	\$425.00
Design Review Approval Modification	\$1,077.00
Forest Management Plan	\$308.00
Historic Residence Alteration	\$850.00
Integrated Development Plan Modification per KZC 95.30.6.b.1	\$539.00
Integrated Development Plan Modification per KZC 95.30.6.b.2	\$850.00
Master Sign Plan Approval Modification	\$850.00
Multiple Private or ROW Tree Removal Permit	\$205.00
Noise Variance	\$539.00
Off-Site Directional Sign Approval Modification	\$539.00
Parking Modification (additional Public Works fees may be required per KMC 5.74.040)	\$539.00
Personal Wireless Service Facility Planning Official Decision	\$8,578.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$850.00
Rooftop Appurtenance Modification	\$850.00
Sensitive Area Planning Official Decision	\$2,127.00
Shoreline Area - Alternative Options for Tree Replacement or Vegetation Compliance in Setback	\$205.00
Shoreline Substantial Development Exemption	\$205.00
Temporary Use Permit	\$218.00
Zoning Verification Letter	\$205.00
Planning Director Decisions	
Additional Affordable Housing Incentive – Density Bonus	\$1,077.00
Binding Site Plan	\$2,141.00
Lot Line Alteration	\$1,077.00
Master Sign Plan	\$3,006.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,077.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$539.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$539.00
Off-Site Directional Sign	\$1,077.00
Process I Approval Modification	\$850.00
Process IIA, IIB or III Approval Modification	\$1,077.00
Short Plat or Subdivision Approval Modification	\$850.00
Variance Exception	\$1,077.00
Process I Review	
Historic Residence Designation	\$1,091.00
Home Occupation	\$1,091.00
Homeless Encampment Temporary Use with Modifications	\$218.00
Innovative Short Subdivision Fixed Fee Fee per lot	\$6,947.00 \$992.00
Other Process I Base Fee Fee per new residential unit Fee per sq. ft. new non-residential GFA	\$4,253.00 \$496.00 \$0.30
Personal Wireless Service Facility Process I Review	\$10,718.00
Short Subdivision Base Fee Fee per lot	\$3,273.00 \$992.00



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

**All permits will be assessed an additional 3.5% MyBuildingPermit.com surcharge.*

	FEE AMOUNT
Substantial Development Permit Piers and Docks Associated with Multifamily Developments and Marinas and Moorage Facilities Associated with Commercial Uses Other Shoreline Improvements	\$10,718.00 \$4,594.00
Process IIA Review	
Innovative Preliminary Subdivision Fixed Fee Fee per lot	\$11,086.00 \$1,077.00
Other IIA Base Fee Fee per new residential unit Fee per sq. ft. new non-residential GFA	\$7,500.00 \$425.00 \$0.42
Personal Wireless Service Facility Process IIA Review	\$20,756.00
Preliminary Subdivision Fixed Fee Fee per lot	\$8,946.00 \$1,077.00
Subdivision Alteration	\$9,187.00
Process IIB Review	
Historic Landmark Overlay or Equestrian Overlay	\$1,077.00
Other IIB Base Fee Fee per new residential unit (including Short Subdivisions reviewed through Process IIB per KMC 22.28.030) Fee per sq. ft. new non-residential GFA	\$11,569.00 \$425.00 \$0.42
Personal Wireless Service Facility Process IIB Review	\$29,943.00
Subdivision Vacation	\$9,187.00
Hearing Examiner Review	
Integrated Development Plan Modification per KZC 95.30.6.b.3	\$1,077.00
Design Board Review	
Design Board Concept Review	\$1,466.00
Design Board Design Response Review Base Fee Fee per new unit Fee per sq. ft. new GFA	\$4,489.00 \$206.00 \$0.21
State Environmental Policy Act (SEPA)	
Review of Environmental Checklist Base Fee Applications involving sensitive areas (streams and/or wetlands only)	\$927.00 \$567.00
Estimated Number of PM Peak Trips Less than 20 trips 21-50 trips 51-200 trips Greater than 200 trips	\$927.00 \$1,854.00 \$3,707.00 \$7,416.00
Preparation of Environmental Impact Statement (EIS) * The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the City will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the City an amount not less than \$5,000 to provide for the City's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the City may require the applicant to deposit enough money to cover the anticipated cost.	



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

**All permits will be assessed an additional 3.5% MyBuildingPermit.com surcharge.*

Miscellaneous	
Appeals and Challenges	
Appeals	\$213.00
Challenges	\$213.00
<i>Note: No Fee for code enforcement hearings.</i>	
Concurrency Application – Estimated Number of PM Peak Trips	
Less than 20 trips	\$545.00
21 – 50 trips	\$763.00
51 – 200 trips	\$1,527.00
Great than 200 trips	\$1,963.00
Final Subdivision	
Fixed Fee	\$2,127.00
Fee per lot	\$213.00
Short Subdivision Recording Review	\$980.00
Sidewalk Café Permits	
Fixed Fee	\$672.00
Fee per sq. ft. of cafe area	\$0.75
Street Vacation	
Fixed Fee	\$8,578.00
Fee per sq. ft. of street	\$0.42

Fees for Comprehensive Plan and Zoning Text Amendment Requests	
♦ <i>Comprehensive Plan & Zoning Text Amendment Requests are not subject to the MyBuildingPermit.com surcharge.</i>	
Request for property specific map change	
Initial request	\$328.00
If request is authorized by City Council for review	\$328.00
Request for city-wide or neighborhood-wide policy change	No fee

General Notes:	
<p>1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</p> <p>2. Projects with greater than 50 dwelling units or 50,000 sq. ft. non-residential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one half.</p> <p>3. Note for Sensitive Areas permits:</p> <p style="margin-left: 20px;">a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.</p> <p style="margin-left: 20px;">b. Voluntary wetland restoration & voluntary stream rehabilitation projects are not subject to fees.</p> <p>4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.</p> <p>5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.</p>	



CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033
425.587.3225 www.kirklandwa.gov

PUBLIC NOTICE SIGNS

READ COMPLETELY AND CAREFULLY

Most zoning, subdivision, short subdivision, substantial development permit, and street, alley and easement vacation applications require that the applicant erect a public notice sign(s) on or near the subject property. The following permits **do not** require a sign:

- a) Administrative Design Review, or
- b) Master Sign Plans.

For all zoning, subdivision, and shoreline permit applications, the sign(s) must be erected before a determination of completeness can be issued.

Failure to have the sign(s) in place by the deadline time will result in a delay of permit processing and additional charges to re-notice the application.

POSTING THE SIGN

1. Your Planner will help you determine the number of signs required and where to place them. See the back of this page for specific details concerning your project's Public Notice Sign.

Number of Signs Required: _____

Placement of signs: _____

2. Obtain the appropriate number of public notice signs, designed according to the size and specifications shown on the reverse side.
3. Erect the sign(s) by solidly setting the posts 36 inches into the ground. The sign(s) must be placed in a location clearly visible and accessible from the adjacent right(s)-of-way.
4. On the same day that the sign(s) is erected, contact the planner assigned to your project to approve the location of the sign(s), or call (425) 587-3225.
5. The signs shall remain in place until you have received written authorization from the Planning Department.

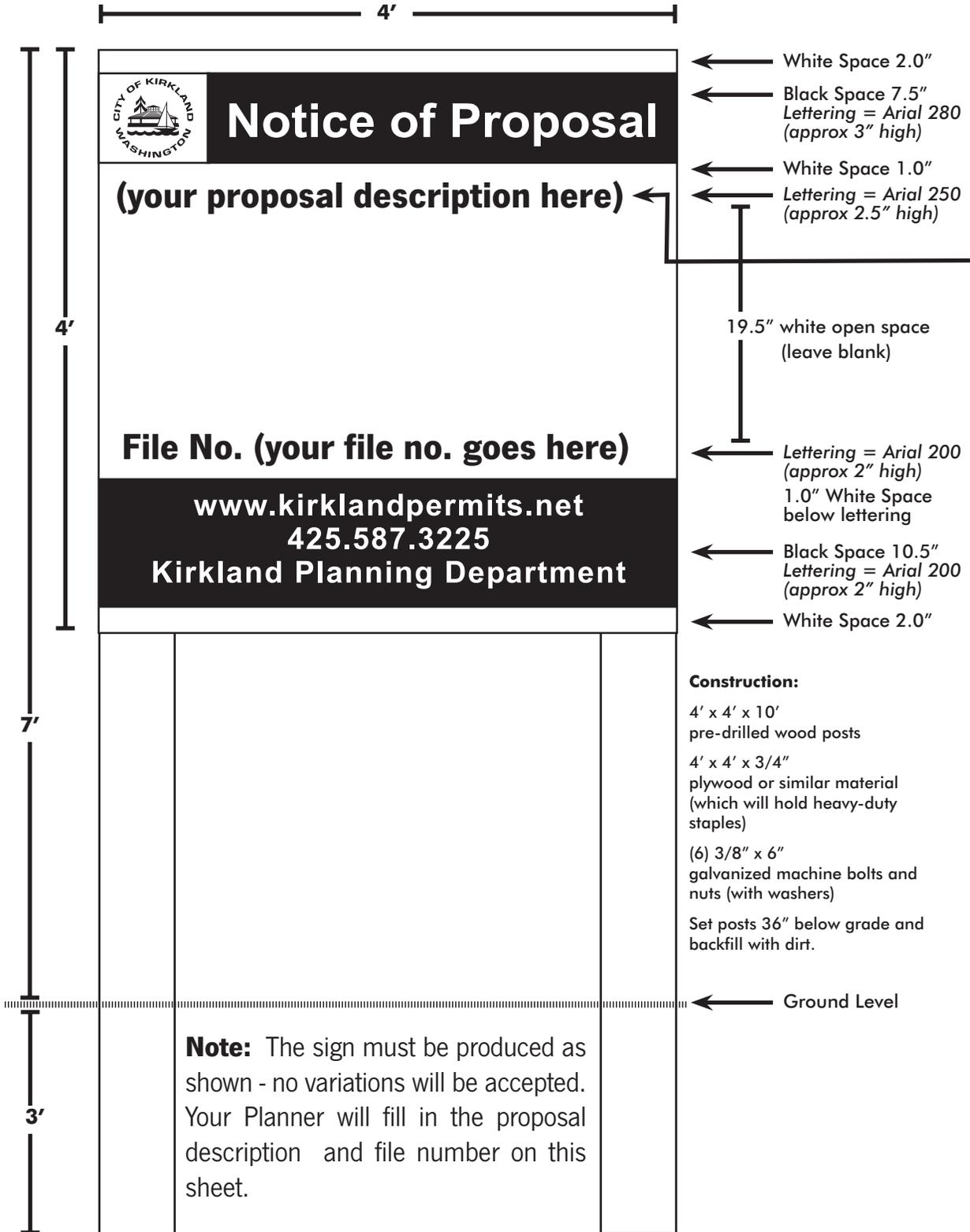
REMOVING SIGN AFTER THE FINAL DECISION ON THE APPLICATION

Remove the sign(s) from the site within seven (7) calendar days after receiving written authorization from the Planning Department.

City of Kirkland Public Notice Sign Specifications

Information for Sign Companies : A full-size digital file is available to produce the sign. Call the Planning Department at 425.587.3225.

****Insert Proposal Description In Space Indicated Below**





TREE RETENTION PLAN– Subdivisions and Cottage Developments

Tree retention plan requirements for Short Plat, Subdivisions, cottages, carriage units, two/three-unit homes, and related demolition and land surface modification applications (See KZC 95.30(6)(a) Phased Review, for additional standards). **These requirements are located in Section 95.30 of the Kirkland Zoning Code (KZC) and are summarized below. Note that additional tree and vegetation requirements apply to properties located in the Holmes Point Overlay Zone ([KZC Chapter 70](#)).**

DEVELOPMENT ACTIVITY CHART

REQUIRED COMPONENTS
TREE INVENTORY AS DESCRIBED IN SECTION I. OF THE PERMIT SUBMITTAL CHECKLIST FOR:
<input type="checkbox"/> All significant trees on the subject property and on adjoining property with driplines extending over property line
SITE PLAN AS DESCRIBED IN SECTION II. OF THE PERMIT SUBMITTAL CHECKLIST TO INCLUDE:
<input type="checkbox"/> Surveyed tree locations
REQUIREMENTS IN SECTION III. OF THE PERMIT SUBMITTAL CHECKLIST SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:
<input type="checkbox"/> All significant trees
TREE RETENTION STANDARDS
<input type="checkbox"/> Retain and protect trees with a high retention value to the maximum extent possible ⁽¹⁾
<input type="checkbox"/> Retain and protect trees with a moderate retention value if feasible
<input type="checkbox"/> Preservation and maintenance agreements pursuant to KZC 95.51 are required for all remaining trees on the subject property ⁽²⁾
TREE DENSITY
<input type="checkbox"/> Tree density requirements shall apply as required in KZC 95.33

- (1) To retain trees with a high retention value, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in KZC [95.32](#).
- (2) Prior to short plat or subdivision recording.

Helpful definitions to complete the tree plans described below:

- Significant Tree:** A tree that is at least 6 inches in diameter at breast height (DBH) (The diameter or thickness of a tree trunk measured at 4.5 feet from the ground).
- Qualified Professional:** An individual with relevant education and training in arboriculture or urban forestry, having two or more of the following credentials: 1) International Society of Arboriculture (ISA) Certified Arborist; 2) Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent); 3) American Society of Consulting Arborists (ASCA) registered Consulting Arborist; 4) Society of American Foresters (SAF) Certified Forester for Forest Management Plans; and for tree retention associated with a development permit a minimum of three years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.
- Limits of Disturbance:** The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk.

PERMIT SUBMITTAL CHECKLIST

Permit Submittal Requirements for Short Plat, Subdivisions, cottages, carriage units, two/three-unit homes, and related Demolition and Land Surface Modification Permits ***When identified in the Development Activity Chart, the following information is required for all permits in order for the application to be deemed complete. Incomplete applications will not be accepted.***

I. **A tree inventory containing the following:**

- A numbering system of all existing significant trees on the subject property (with corresponding tags on trees); the inventory must also include significant trees on adjacent property with driplines extending over the subject property line;
- Limits of disturbance (LOD) of all existing significant trees (including approximate LOD of off-site trees with overhanging driplines);
- Size (DBH);
- Proposed tree status (trees to be removed or retained);
- Brief general health or condition rating of these trees (i.e.: poor, fair, good, excellent, etc.);
- Tree type or species.

II. **A site plan depicting the following:**

- Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified. If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;
- Accurate location of significant trees on the subject property (surveyed locations may be required). The site plan must also include the approximate trunk location and critical root zone of significant trees that are on adjacent property with driplines extending over the subject property line;
- Trees labeled corresponding to the tree inventory numbering system;
- Location of tree protection measures;
- Indicate limits of disturbance drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate LOD of off-site trees with overhanging driplines);
- Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting out;
- Proposed locations of any supplemental trees and any required trees in order to meet tree density or minimum number of trees as outlined in KZC [95.33](#). Tree density calculations of retained trees compared to the minimum tree density for the site. The required minimum tree density is 30 tree credits per acre. Use the following formula to determine the required tree density: **(Lot size in square feet/43,560) X 30 = Required minimum tree density**

NOTE: Tree density calculations do not apply to public trees.

If the calculated tree density is below the minimum, indicate the type, size and location of the supplemental trees needed to meet the density requirement. Supplemental trees must be at least 6 feet tall if they are conifers or 2-inch caliper if they are deciduous or broad-leaf evergreens.

III. **An arborist report containing the following:**

- A complete description of each tree's health, condition, and viability;
- A description of the method(s) used to determine the limits of disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees);
- Any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare);
- For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);
- Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;
- For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in KZC [95.34](#); and
- The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC [95.50](#) and [95.51](#).

Note: This is an overview of tree requirements. For more details and information visit the Kirkland Zoning Code Chapter 95 online, at http://kirklandcode.ecitygov.net/CK_KZC_Search.html or contact the Planning Department at 425.587.3235.



INTEGRATED DEVELOPMENT PLAN: OPTIONS FOR SHORT PLAT AND SUBDIVISION REVIEW PROCESSES

The City of Kirkland has two methods an applicant may choose for processing short plat and subdivision applications: An Integrated Review with an *Integrated Development Plan* (IDP) or the traditional Phased Review. This handout outlines the benefits of each to help applicants decide how to submit their subdivision application.

INTEGRATED REVIEW

Development Services staff invite you to consider a review process that will allow you to resolve tree retention requirements with the short plat/subdivision and provide greater predictability as the project moves to construction. In order to pursue this process, an applicant will submit an *Integrated Development Plan* (IDP) with other pre-submittal meeting information (if you are finding out about this at a pre-submittal meeting, we'll schedule a second one without an additional fee). An IDP is a copy of the proposed plat map that includes topography, footprints of proposed homes, and shows how the homes will be accessed and served by utilities. The IDP also shows the tree retention plan information specified in Kirkland Zoning Code Chapter 95 (KZC 95.30), including an arborist report.

An IDP may take more time and effort at the presubmittal stage, but will speed up the grading permit and building permit processes and add predictability for the following reasons:

1. Starting at the pre-submittal meeting, the applicant and representatives from key City departments have an opportunity to discuss the short plat or subdivision layout with more information than is usually available at a pre-submittal meeting. The ensuing short plat or subdivision application will be more complete and compliant with city regulations, which enables a faster review.
2. The Land Surface Modification (LSM or grading) permit can authorize all of the site preparations, including utility and road work, home site grading, and clearing of all trees approved for removal under the IDP.
3. The successive applications (i.e. demolition or building permit applications) can be reviewed faster through consolidation of Planning and Urban Forestry reviews.
4. The LSM and building permit applications can be submitted prior to short plat or subdivision recording, as soon as the IDP is approved as part of the short plat or subdivision approval. Building permits can be issued once the short plat or subdivision records.

As good as the process sounds; it cannot be used unless the applicant has laid out utilities, selected home plans for the lots, and is comfortable committing to the footprints and placement of the utilities and homes on the lots. An applicant selecting this process should be confident in the proposed IDP because modifying the tree retention plan after approval is very difficult and may require a public hearing.

A recommended project sequence is included below to help you work toward a complete application. By following this sequence, you can gather feedback on tree retention and tree removal early in the process and avoid investing in final design/engineering before these key issues are reviewed by staff.

TRADITIONAL (PHASED) REVIEW

The City's traditional short plat and subdivision review process is more flexible because it defers home design, location and tree decisions until needed for a given permit. If you are just interested in subdividing and don't have plans for development of the new homes, this may be the best option for you. Following approval of the short plat/subdivision, phased review takes longer because:

1. The future LSM approves grading and tree removal only for roadway, frontage and underground improvements;
2. Separate urban forestry reviews are required at the LSM, demolition and building permit stages; and
3. Building permits for new homes may not be submitted until the short plat or subdivision is recorded.

RECOMMENDED IDP SEQUENCE

Step 1 – Review Tree Retention Plan requirements and permit submittal checklist

Step 2 – Assess existing trees

- Applicant submits arborist report to assess condition of existing on-site and neighboring trees
- Initial Pre-submittal meeting - Applicant and City meet to discuss priorities for tree retention (applicant & City arborists encouraged to attend)

Step 3 – Conceptual design

- Applicant prepares conceptual subdivision design, including how lot, utility, and house layout take trees into account
- If LID techniques are proposed, a geotech report assessing LID feasibility should be included
- Primary Pre-submittal meeting - Meeting to review conceptual design (applicant & City arborists encouraged to attend)

Step 4 - Application submittal

- Short plat/subdivision application must include both horizontal and vertical information for houses and utilities (e.g. - 70% engineering), with an emphasis on potential impacts near trees to be retained
- Application must include a supplement to the initial arborist report with specific arborist recommendations on implementation of the proposed IDP



ARBORIST'S REPORTS SHOULD SUMMARIZE THE FOLLOWING:

Findings - include factual data such as species, location, dbh, dripline (for development review only) and general health of tree. Description of disease/structural defects (type of fungal fruiting body, presence of decay, cracks, included bark, etc.), site conditions, and potential targets is required for hazard tree removal requests. The height of a tree and the distance to a potential target should be specified. For nuisance trees, photos documenting any property damage are helpful. If necessary, verify findings using resistograph, clinometer, core sample, pathologist test results, air spade excavations, etc. *Arborists are providing the technical information required to make an informed decision about a tree.*

Conclusions - an arborist's professional assessment based on the findings. Is the tree viable? Is the tree a nuisance or a hazard? Per Kirkland's tree regulations, this assessment is necessary when removing trees in a critical area, if more than two trees are being removed within a 12 month period, or if the trees are the last two trees on a property. *Arborists are assessing potential risk for tree failure, identifying trees worthy of retention, and assessing potential damage to trees on development sites as a result of impacts from construction.*

Recommendations - based on the above. An arborist's recommendations will outline reasonable and proper arboricultural practices, and *may* include removal. For development sites, arborists need to include instructions for working within the tree's Limits of Disturbance. For tree removals within critical areas, an arborist may be required to recommend how work will be done with minimal impact to the surroundings, and recommend appropriate replacement trees. There are lists of approved replacement trees found on the City of Kirkland's website. *Recommendations identify measures in which risks are reduced to acceptable levels.*

- ISA Tree Hazard Evaluation Form does not constitute a report, as conclusions and recommendations are not included in its format. It is, however, an excellent form for collected data in the field.
- An invoice or bid for tree work is NOT an arborist report.
- TRACE certification is an excellent basis for tree risk assessment and may be a required credential in the near future for arborists recommending tree removals in the City of Kirkland.



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

**All permits will be assessed an additional 3.5% MyBuildingPermit.com surcharge.*

	FEE AMOUNT
Preliminary Project Review	
Pre-submittal Meeting, Integrated Development Plan, and/or Pre-design Conference No fee for second pre-submittal meeting if for Integrated Development Plan.	\$518.00
Planning Official Decisions	
Accessory Dwelling Unit <i>(not required if reviewed concurrently with a building permit)</i>	\$425.00
Administrative Design Review If application involves new gross floor area (new buildings or additions to existing buildings) No new gross floor area	\$2,127.00 No fee
Administrative Design Review	
Design Review Approval Extension	\$425.00
Design Review Approval Modification	\$1,077.00
Forest Management Plan	\$308.00
Historic Residence Alteration	\$850.00
Integrated Development Plan Modification per KZC 95.30.6.b.1	\$539.00
Integrated Development Plan Modification per KZC 95.30.6.b.2	\$850.00
Master Sign Plan Approval Modification	\$850.00
Multiple Private or ROW Tree Removal Permit	\$205.00
Noise Variance	\$539.00
Off-Site Directional Sign Approval Modification	\$539.00
Parking Modification (additional Public Works fees may be required per KMC 5.74.040)	\$539.00
Personal Wireless Service Facility Planning Official Decision	\$8,578.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$850.00
Rooftop Appurtenance Modification	\$850.00
Sensitive Area Planning Official Decision	\$2,127.00
Shoreline Area - Alternative Options for Tree Replacement or Vegetation Compliance in Setback	\$205.00
Shoreline Substantial Development Exemption	\$205.00
Temporary Use Permit	\$218.00
Zoning Verification Letter	\$205.00
Planning Director Decisions	
Additional Affordable Housing Incentive – Density Bonus	\$1,077.00
Binding Site Plan	\$2,141.00
Lot Line Alteration	\$1,077.00
Master Sign Plan	\$3,006.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,077.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$539.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$539.00
Off-Site Directional Sign	\$1,077.00
Process I Approval Modification	\$850.00
Process IIA, IIB or III Approval Modification	\$1,077.00
Short Plat or Subdivision Approval Modification	\$850.00
Variance Exception	\$1,077.00
Process I Review	
Historic Residence Designation	\$1,091.00
Home Occupation	\$1,091.00
Homeless Encampment Temporary Use with Modifications	\$218.00
Innovative Short Subdivision Fixed Fee Fee per lot	\$6,947.00 \$992.00
Other Process I Base Fee Fee per new residential unit Fee per sq. ft. new non-residential GFA	\$4,253.00 \$496.00 \$0.30
Personal Wireless Service Facility Process I Review	\$10,718.00
Short Subdivision Base Fee Fee per lot	\$3,273.00 \$992.00



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

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	FEE AMOUNT
Substantial Development Permit Piers and Docks Associated with Multifamily Developments and Marinas and Moorage Facilities Associated with Commercial Uses Other Shoreline Improvements	\$10,718.00 \$4,594.00
Process IIA Review	
Innovative Preliminary Subdivision Fixed Fee Fee per lot	\$11,086.00 \$1,077.00
Other IIA Base Fee Fee per new residential unit Fee per sq. ft. new non-residential GFA	\$7,500.00 \$425.00 \$0.42
Personal Wireless Service Facility Process IIA Review	\$20,756.00
Preliminary Subdivision Fixed Fee Fee per lot	\$8,946.00 \$1,077.00
Subdivision Alteration	\$9,187.00
Process IIB Review	
Historic Landmark Overlay or Equestrian Overlay	\$1,077.00
Other IIB Base Fee Fee per new residential unit (including Short Subdivisions reviewed through Process IIB per KMC 22.28.030) Fee per sq. ft. new non-residential GFA	\$11,569.00 \$425.00 \$0.42
Personal Wireless Service Facility Process IIB Review	\$29,943.00
Subdivision Vacation	\$9,187.00
Hearing Examiner Review	
Integrated Development Plan Modification per KZC 95.30.6.b.3	\$1,077.00
Design Board Review	
Design Board Concept Review	\$1,466.00
Design Board Design Response Review Base Fee Fee per new unit Fee per sq. ft. new GFA	\$4,489.00 \$206.00 \$0.21
State Environmental Policy Act (SEPA)	
Review of Environmental Checklist Base Fee Applications involving sensitive areas (streams and/or wetlands only)	\$927.00 \$567.00
Estimated Number of PM Peak Trips Less than 20 trips 21-50 trips 51-200 trips Greater than 200 trips	\$927.00 \$1,854.00 \$3,707.00 \$7,416.00
Preparation of Environmental Impact Statement (EIS) * The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the City will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the City an amount not less than \$5,000 to provide for the City's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the City may require the applicant to deposit enough money to cover the anticipated cost.	



CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2015

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Miscellaneous	
Appeals and Challenges	
Appeals	\$213.00
Challenges	\$213.00
<i>Note: No Fee for code enforcement hearings.</i>	
Concurrency Application – Estimated Number of PM Peak Trips	
Less than 20 trips	\$545.00
21 – 50 trips	\$763.00
51 – 200 trips	\$1,527.00
Great than 200 trips	\$1,963.00
Final Subdivision	
Fixed Fee	\$2,127.00
Fee per lot	\$213.00
Short Subdivision Recording Review	\$980.00
Sidewalk Café Permits	
Fixed Fee	\$672.00
Fee per sq. ft. of cafe area	\$0.75
Street Vacation	
Fixed Fee	\$8,578.00
Fee per sq. ft. of street	\$0.42

Fees for Comprehensive Plan and Zoning Text Amendment Requests	
♦ <i>Comprehensive Plan & Zoning Text Amendment Requests are not subject to the MyBuildingPermit.com surcharge.</i>	
Request for property specific map change	
Initial request	\$328.00
If request is authorized by City Council for review	\$328.00
Request for city-wide or neighborhood-wide policy change	No fee

General Notes:	
<p>1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</p> <p>2. Projects with greater than 50 dwelling units or 50,000 sq. ft. non-residential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one half.</p> <p>3. Note for Sensitive Areas permits:</p> <p style="margin-left: 20px;">a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.</p> <p style="margin-left: 20px;">b. Voluntary wetland restoration & voluntary stream rehabilitation projects are not subject to fees.</p> <p>4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.</p> <p>5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.</p>	

CHAPTER 15 – LOW DENSITY RESIDENTIAL ZONES (RS, RSX, RSA, WD II, PLA 3C, PLA 6C, PLA 6E, PLA 16)

Sections:

- [15.05](#) User Guide
 - [15.05.010](#) Applicable Zones
 - [15.05.020](#) Common Code References
- [15.10](#) General Regulations
 - [15.10.010](#) All Low Density Residential Zones
 - [15.10.020](#) RS Zone
 - [15.10.030](#) RSA Zone
 - [15.10.040](#) WD II Zone
 - [15.10.050](#) PLA 3C Zone
- [15.20](#) Permitted Uses
- [15.30](#) Density/Dimensions
- [15.40](#) Development Standards

15.05 User Guide

- Step 1. Check that the zone of interest is included in KZC [15.05.010](#), Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC [15.05.020](#), Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC [15.10](#) that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC [15.20](#) and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC [15.30](#) and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).
- Step 6. Find the Use of interest in the Development Standards Table in KZC [15.40](#) and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.

15.05.010 Applicable Zones

This chapter contains the regulations for uses in the following zones of the City: RS 35, RS 12.5, RS 8.5, RS 7.2, RS 6.3 and RS 5.0; RSX 35, RSX 12.5, RSX 8.5, RSX 7.2 and RSX 5.0 zones; RSA 1, RSA 4, RSA 6 and RSA 8 zones; WD II zones; PLA 3C, PLA 6C and 6E, and PLA 16 zones.

15.05.020 Common Code References

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC [45.50](#).
3. For properties within the Holmes Point (HP) Overlay Zone, see Chapter [70](#) KZC for additional regulations.
4. Review processes, density/dimensions and development standards for shoreline uses (RS, RSA, WD II, PLA 3C zones) can be found in Chapter [83](#) KZC, Shoreline Management.
5. Chapter [115](#) KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with Attached Dwelling Units in PLA 3C and Detached Dwelling Unit uses.
6. A hazardous liquid pipeline is located near the RSX 35 zone in the Bridle Trails neighborhood along the eastern boundary of the City, and extends through or near the RSA 1, 4, 6 and 8 zones in the vicinity of 136th Avenue NE. Refer to Chapter [118](#) KZC for regulations pertaining to properties near hazardous liquid pipelines.
7. Garages shall comply with the requirements of KZC [115.43](#). These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.

(Ord. 4476 § 2, 2015)

15.10 General Regulations

15.10.010 All Low Density Residential Zones

1. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC [115.136](#), except for the following uses: KZC [15.20.060](#), Detached Dwelling Unit, and KZC [15.20.100](#), Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit.

15.10.020 RS Zone

1. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.

15.10.030 RSA Zone

1. All subdivisions and short subdivisions in the RSA 1 zone shall be clustered such that development is located away from critical areas. The open space resulting from such clustering shall be placed in a separate tract that includes at least 50 percent of the subject property. Open space tracts shall be permanent and shall be dedicated to a homeowner’s association or other suitable organization for purposes of maintenance. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract. If access to the open space is provided, the access shall be located in a separate tract. A greenbelt protection or open space easement shall be dedicated to the City to protect the designated open space tract resulting from lot clustering.

2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.

15.10.040 WD II Zone

1. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.

2. The required yard abutting an unopened right-of-way shall be a side property rather than a front property line.

3. The required rear yard for each use shall be the same as the required rear yard for the same use in the RS zone, unless otherwise specified in KZC 30.25.010(9) and (10). (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit.)

4. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly owned and used by residents and guests.

15.10.050 PLA 3C Zone

1. Development shall be subject to the following development standards:

a. Structures must be clustered and located so that they will not significantly impact slope stability, drainage patterns, erosion or landslide hazards, and steep ravine areas on the subject property or adjacent property.

b. Vegetative cover shall be retained to the maximum extent possible to stabilize slopes.

c. Pursuant to the requirements of KZC [85.15](#)(1) through (4), the applicant shall submit a geotechnical report prepared by a qualified geotechnical engineer evaluating the potential geologic hazard areas of the subject and adjacent properties to minimize damage to life and property. Specific structural designs and construction techniques to ensure long-term stability shall be considered as part of the analysis. The applicant’s geotechnical report and recommendations shall be reviewed by a qualified geotechnical engineer selected and retained by the City at the applicant’s expense. The applicant shall comply with the performance standards contained in KZC [85.25](#) and [85.45](#).

d. The City may require traffic control devices, shared access points, right-of-way realignment, or limit development if necessary to further reduce traffic impacts.

e. Development must ensure that the City has the ability to access and provide necessary emergency services.

(Ord. 4476 § 2, 2015)

15.20 Permitted Uses

Permitted Uses Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6C, PLA 6E, PLA 16)

(See also KZC [15.30](#), Density/Dimensions Table, and KZC [15.40](#), Development Standards Table)

Use		Required Review Process:							
		RS	RSX	RSA	WD II	PLA 3C	PLA 6C	PLA 6E	PLA 16
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)							
15.20.010	Attached Dwelling Units	NP	NP	NP	NP	I 1	NP	NP	NP
15.20.020	Church	2 , 3 , 4c	2 , 4c	2 , 4c , 13	NP	IIA 4c	2 , 4c	2 , 4c	IIA

Use		Required Review Process:							
		RS	RSX	RSA	WD II	PLA 3C	PLA 6C	PLA 6E	PLA 16
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)							
15.20.030	Commercial Equestrian Facility	NP	NP	NP	NP	NP	NP	NP	IIB 5
15.20.040	Commercial Recreation Area and Use	NP	NP	NP	NP	NP	NP	NP	IIB 6
15.20.050	Community Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	2	IIA
15.20.060	Detached Dwelling Unit	None	None	None 8, 9	None 8, 11	None	None 8	None 8	None 7, 8
15.20.070	Golf Course	IIA 4b, 12	IIA 4b, 12	IIA 4b, 12, 13	NP	NP	NP	NP	NP
15.20.080	Government Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	2	IIA
15.20.090	Mini-School or Mini-Day-Care Center	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 13, 14, 15, 16, 18	NP	I 4a, 4b, 14, 15, 16, 18	I 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19
15.20.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	I 10	10	NP	NP	NP	NP
15.20.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 .							
15.20.120	Public Utility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	2	IIA
15.20.130	School or Day-Care Center	2, 3, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 13, 14, 16, 18, 20	NP	IIA 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	IIA 16, 17, 18, 19, 20

Permitted Uses (PU) Special Regulations:

- PU-1. a. No more than two units may be attached to each other.
- b. Attached dwelling units must be designed to look like a detached single-family house using such techniques as limiting the points of entry on each facade, providing pitched roofs and covered porches.
- PU-2. The required review process is as follows:
 - a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter [150](#) KZC.
 - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter [152](#) KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-3. Within the disapproval jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter [152](#) KZC.
- PU-4. May locate on the subject property only if:
 - a. It will not be materially detrimental to the character of the neighborhood in which it is located.
 - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
 - c. The property is served by a collector or arterial street (does not apply to existing school sites).
- PU-5. a. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities.
- b. This use must comply with KZC [80.30](#) through [80.45](#).
- c. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks.
- PU-6. a. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities.

- b. Hours of operation may be limited by the City to reduce impacts on residential uses.
 - c. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.
- PU-7. If lot size is less than 35,000 square feet, then Process IIB, Chapter 152 KZC.
- PU-8. For this use, only one dwelling unit may be on each lot regardless of the size of the lot.**
- PU-9. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.
- PU-10. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-11. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.
- PU-12. a. May not include miniature golf.
- b. The following accessory uses are specifically permitted as part of this use.
- 1) Equipment storage facilities.
 - 2) Retail sales and rental of golf equipment and accessories.
 - 3) A restaurant.
- PU-13. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-14. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-15. Structured play areas must be set back from all property lines by five feet.
- PU-16. May include accessory living facilities for staff persons.
- PU-17. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
 - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-18. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-19. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-20. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
 - b. Ten feet if this use can accommodate 13 to 49 students or children.

(Ord. 4476 § 2, 2015)

15.30 Density/Dimensions

Density/Dimensions Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6C, PLA 6E, PLA 16)

(Refer to KZC 15.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 15.40, Development Standards Table)

Use	Minimum Lot Size	REQUIRED YARDS ¹ (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
15.30.010 Attached Dwelling Units	≥ 3	20 ⁴	10 ⁵	10 ⁵	50%	25' above ABE.
15.30.020 Church	RS, RSX, RSA: 7 PLA 3C: 12,500 sq. ft. PLA 6C: 8,500 sq. ft. PLA 6E: 7,200 sq. ft. PLA 16: 35,000 sq. ft.	20'	20'	20'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSX, RSA, PLA 16: 30' above ABE.
15.30.030 Commercial Equestrian Facility	3 acres	20'	20'	20'	80%	8a

Use	Minimum Lot Size	REQUIRED YARDS ⁻ (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
15.30.040 Commercial Recreation Area and Use	1 acre	20'	20'	20'	80%	38' above ABE. ^{8a, b}
15.30.050 Community Facility	None	20'	10' WD II: ⁹	10'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
15.30.060 Detached Dwelling Unit	RS, RSX: ^{11, 12, 13} RSA: ^{11, 17, 18, 19} WD II: 12,500 sq. ft. ²³ PLA 3C: 12,500 sq. ft. ^{2, 27} PLA 6C, PLA 6E: 5,000 sq. ft. ²⁸ PLA 16: 35,000 sq. ft. ^{13, 29, 30}	RS: 20' ^{14, 18} RSX: 20' ^{15, 16} RSA: 20' ^{15, 16, 20} WD II: ^{14, 22, 32} PLA 3C, PLA 6C, PLA 6E, PLA 16: 20' ⁴	5/15' ⁹ RSX: 5' ¹⁵ RSA: 5' WD II: ²⁴	10' RS, RSX: 10' ¹⁶	50% RSA: 50% ⁶	RS, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSX, PLA 16: 30' above ABE. RSA: 30' above ABE. ²¹ WD II: 25' above ABE. ^{25, 28}
15.30.070 Golf Course	1 acre	50'	50'	50'	50% RSA: 50% ⁶	RS: 25' above ABE. RSA, RSX: 30' above ABE.
15.30.080 Government Facility	None	20'	10' WD II: 5/15' ⁹	10'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
15.30.090 Mini-School or Mini-Day-Care Center	RS, RSX, RSA: ⁷ PLA 3C: 12,500 sq. ft. PLA 6C: 5,000 sq. ft. PLA 6E: 3,600 sq. ft. PLA 16: 35,000 sq. ft.	20'	5/15' ⁹	10' PLA 3C: 20'	50% RSA: 50% ⁶ PLA 6E: 60%	RS, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSX, RSA, PLA 16: 30' above ABE.
15.30.100 Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter ⁸³ KZC.			-	See Chapter ⁸³ KZC.
15.30.110 Public Park	Development standards will be determined on a case-by-case basis.					
15.30.120 Public Utility	None	20'	20' WD II: 5/15' ⁹	20'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
15.30.130 School or Day-Care Center	RS, RSX, RSA: ⁷ PLA 3C: 12,500 sq. ft. PLA 6C: 8,500 sq. ft. PLA 6E: 7,200 sq. ft. PLA 16: 35,000 sq. ft.	If this use can accommodate 50 or more students or children, then:		70% RSA: 70% ⁶ PLA 3C: 50%	RS: 25' above ABE. ³¹ RSX, RSA, PLA 16: 30' above ABE. ³¹ PLA 3C: 25' above ABE. ⁶ PLA 6C, PLA 6E: 25' above ABE. ³¹	
	50'		50'			
	If this use can accommodate 13 to 49 students or children, then:		20'	20'		20'

Density/Dimensions (DD) Special Regulations:

- DD-1. In the WD II zone, for shoreline setbacks see Chapter ⁸³ KZC.
- DD-2.
 - a. Maximum dwelling units per acre is six dwelling units. Not more than one dwelling unit may be on each lot regardless of the size of the lot.
 - b. Within a subdivision or short plat the minimum lot size is 5,000 square feet.
 - c. Road dedication and vehicular access easements or tracts may not be included in the density calculation or in the minimum lot size per dwelling unit.
- DD-3. For lots containing less than 7,200 square feet, the floor area ratio (F.A.R.) requirements of KZC ^{115.42} shall apply. The maximum floor area ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if the primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal.

See KZC [115.42](#), Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

- DD-4. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate [24](#)).
- DD-5. The side or rear yard may be reduced to zero feet if the side or rear of the dwelling unit is attached to a dwelling unit on an adjoining lot within the short plat or subdivision.
- DD-6. Except 30 percent for RSA 1 zone. See RSA General Regulation 1 (KZC [15.10.030\(1\)](#)) and KZC [15.05.020\(3\)](#).
- DD-7. As established on the Zoning Map. Minimum lot size is as follows:
- a. In RS 35 and RSX 35 zones, the minimum lot size is 35,000 square feet.
 - b. In RS 12.5 and RSX 12.5 zones, the minimum lot size is 12,500 square feet.
 - c. In RS 8.5 and RSX 8.5 zones, the minimum lot size is 8,500 square feet.
 - d. In RS 7.2 and RSX 7.2 zones, the minimum lot size is 7,200 square feet.
 - e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.
 - f. In RS 5.0 and RSX 5.0 zones, the minimum lot size is 5,000 square feet.
 - g. In RSA 1 zones, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
 - h. In RSA 4 zones, the minimum lot size is 7,600 square feet.
 - i. In RSA 6 zones, the minimum lot size is 5,100 square feet.
 - j. In RSA 8 zones, the minimum lot size is 3,800 square feet.
- DD-8. a. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm.
- b. Structures can be placed at existing grade if the structures are located on lower ground than adjacent properties and if the adjacent properties are developed and do not contain residential use.
- DD-9. Five feet, but two side yards must equal at least 15 feet.
- DD-10. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide.
- DD-11. As established on the Zoning Map. Minimum lot size per dwelling unit is as follows:**
- a. In RS 35 and RSX 35 zones, the minimum lot size is 35,000 square feet.
 - b. In RS 12.5 zones, the minimum lot size is 12,500 square feet.
 - c. In RS 8.5 and RSX 8.5 zones, the minimum lot size is 8,500 square feet.
 - d. In RS 7.2 and RSX 7.2 zones, the minimum lot size is 7,200 square feet.
 - e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.
 - f. In RS 5.0 and RSX 5.0 zones, the minimum lot size is 5,000 square feet.
 - g. In RS 35, RSX 35, RS 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 6.3, RS 5.0 and RSX 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.
 - h. In RSA 1 zones, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
 - i. In RSA 4 zones, the minimum lot size is 7,600 square feet.**
 - j. In RSA 6 zones, the minimum lot size is 5,100 square feet.
 - k. In RSA 8 zones, the minimum lot size is 3,800 square feet.
- DD-12. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
- a. In RS 35 and RSX 35 zones, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 and RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 and RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 and RSX 7.2 zones, F.A.R. is 50 percent of lot size.

- e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.
- f. In RS 5.0 and RSX 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
 - 1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and
 - 2) A setback of at least 7.5 feet is provided along each side yard.

See KZC [115.42](#), Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter [22.28](#) KMC.

Not effective within the disapproval jurisdiction of the Houghton Community Council.

- DD-13. Residential lots in the RS 35, RSX 35 and PLA 16 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, and shall comply with regulations for horses in KZC [115.20](#)(5).
- DD-14. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate [24](#)).
- DD-15. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-16. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.
- DD-17. Maximum units per acre is as follows:
 - a. In RSA 1 zones, the maximum units per acre is one dwelling unit.
 - b. In RSA 4 zones, the maximum units per acre is four dwelling units.
 - c. In RSA 6 zones, the maximum units per acre is six dwelling units.
 - d. In RSA 8 zones, the maximum units per acre is eight dwelling units.

Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is 0.50 or greater. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- DD-18. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit.
- DD-19. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RSA 1 zones, F.A.R. is 20 percent of lot size.
 - b. In RSA 4 zones, F.A.R. is 50 percent of lot size.
 - c. In RSA 6 zones, F.A.R. is 50 percent of lot size.
 - d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal.

F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter [83](#) KZC.

See KZC [115.42](#), Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
- DD-20. For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter [83](#) KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC [83.380](#).
- DD-21. Maximum height of structure for properties located within the Juanita Beach Camps Plat (Volume 32, Page 35 of King County Records) or the Carr's Park Plat (Unrecorded) shall be 35 feet above average building elevation.
- DD-22.
 - a. For properties located south of the Lake Avenue West Street End Park, the required front yard may be decreased to the average of the existing front yards on the properties abutting the subject property to the north and south.
 - b. The front required yard provisions shall not apply to public street ends located west of Waverly Way, but the required yard shall be regulated as a side yard.
 - c. The required yard along the east side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is zero feet.
 - d. The required yard along the west side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is either five feet or the average of the existing rear yards on the properties abutting the subject property to the north and south. The garage shall be located to comply with the provisions for parking pads contained in KZC [105.47](#).
- DD-23. The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15 percent of the floor area of the first story, subject to the following conditions:

- a. The structure must conform to the standard shoreline setback requirements established in Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#).
 - b. The required floor area reductions shall be incorporated along the entire length of the facade of one or both facades facing the side property lines in order to provide separation between neighboring residences.
 - c. Uncovered decks with solid railings located along the side property lines on the upper floors and covered decks shall be included in gross floor area calculation.
 - d. This provision shall only apply if a residence has more than one story above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way (Plate [36](#)).
- DD-24. Five feet, but two side yards must equal at least 15 feet or five feet each if Special Regulation DD-23 is met.
- DD-25. For properties with a minimum of 45 feet of frontage along Lake Washington, 30 feet above average building elevation.
- DD-26. For the increase in height from 25 feet to 30 feet above average building elevation, the structure must conform to the standard shoreline setback requirements established in Chapter [83](#) KZC, or as otherwise approved under the shoreline setback provisions established in KZC [83.380](#).
- DD-27. For lots containing less than 7,200 square feet, the Floor Area Ratio (F.A.R.) requirements of KZC [115.42](#) shall apply. The maximum Floor Area Ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if:
- a. The primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal; and
 - b. A setback of at least 7.5 feet is provided along each side yard.
- See KZC [115.42](#), Floor Area Ratio (F.A.R.) calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
- DD-28. Floor Area Ratio (F.A.R.) allowed for the subject property is 60 percent of lot size.
- See KZC [115.42](#), Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
- DD-29. Floor Area Ratio (F.A.R.) allowed for the subject property is 20 percent of lot size.
- See KZC [115.42](#), Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
- DD-30. If a Master Plan is approved for the property, this use may have a lot size of less than 35,000 square feet and must meet the following standards:
- a. The property must contain at least 16 contiguous acres.
 - b. Residential lots must contain a minimum area of 14,500 square feet capable of being used as a horse paddock area, which shall comply with KZC [115.20\(5\)](#) for keeping of horses.
 - c. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet.
 - d. A commercial equestrian facility, including an arena, stables and paddock areas, must be provided on the property. The facility must be available to the public and not exclusively for the residences within the Master Plan. The facility must meet requirements and special regulations as established for the use listing in this zone entitled "Commercial Equestrian Facility."
 - e. An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between NE 60th Street and the Bridle Trails State and King County Parks.
 - f. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan.
- DD-31. For school use, structure height may be increased, up to 35 feet, if:
- a. The school can accommodate 200 or more students; and
 - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
 - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
- Not effective within the disapproval jurisdiction of the Houghton Community Council.*
- DD-32. For those properties that conform to the standard shoreline setback requirements established in Chapter [83](#) KZC, either:
- a. Ten feet; or
 - b. The average of the existing front yards on the properties abutting the subject property to the north and south. Otherwise, 20 feet.

(Ord. 4476 § 2, 2015)

15.40 Development Standards

Development Standards Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6C, PLA 6E, PLA 16)

(Refer to KZC 15.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 15.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)	
15.40.010	Attached Dwelling Units	E	A	2.0 per dwelling unit.
15.40.020	Church	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. ⁴
15.40.030	Commercial Equestrian Facility	C ²	B	See KZC 105.25.
15.40.040	Commercial Recreation Area and Use	C ^{2, 3}	B	See KZC 105.25.
15.40.050	Community Facility	C ⁴	B	See KZC 105.25.
15.40.060	Detached Dwelling Unit	E	A	2.0 per dwelling unit.
15.40.070	Golf Course	E ¹⁴	B	See KZC 105.25.
15.40.080	Government Facility	C ⁴	B RSX, RSA: B ^{5, 9}	See KZC 105.25.
15.40.090	Mini-School or Mini-Day-Care Center	E	B ⁶ PLA 16: B	See KZC 105.25. ^{7, 8}
15.40.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	–	–	None
15.40.110	Public Park	Development standards will be determined on a case-by-case basis.		
15.40.120	Public Utility	A ⁴	B	See KZC 105.25.
15.40.130	School or Day-Care Center	D	B RS, RSX, RSA: B ^{5, 10} PLA 3C, PLA 6C, PLA 6E: B ¹¹	See KZC 105.25. ^{8, 12} PLA 3C: ¹³

Development Standards (DS) Special Regulations:

- DS-1. No parking is required for day-care or school ancillary to the use.
- DS-2. Existing natural vegetation must be maintained to the greatest extent possible.
- DS-3. A 20-foot-wide sight-obscuring landscape buffer must be provided along the west and south perimeter of the property.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50 percent of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.
- DS-6. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-7. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.
- DS-8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-9. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
 - a. The electronic readerboard displays messages regarding public service announcements or City events only;
 - b. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - c. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-10. Electrical signs shall be permitted at junior high/middle schools and high schools. One pedestal sign with a readerboard having electronic programming is allowed per site only if:

- a. The electronic readerboard displays messages regarding public service announcements or school events only;
- b. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;
- c. The school is located on a collector or arterial street.

The City shall review and approve the location of the sign on the site. The sign shall be located to have the least impact on surrounding residential properties. If it is determined that a proposed electronic readerboard would constitute a traffic hazard the Planning Director may impose restrictions or deny the readerboard.

- DS-11. Electrical signs shall not be permitted.
- DS-12. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.
- DS-13. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-14. See RSA General Regulation 1 (KZC [15.10.030](#)(1)) and KZC [15.05.020](#)(3).

(Ord. 4476 § 2, 2015)

The Kirkland Zoning Code is current through Ordinance 4479, passed March 3, 2015.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3190

Code Publishing Company (<http://www.codepublishing.com/>)

eLibrary (<http://www.codepublishing.com/elibrary.html>)



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 ~ www.kirklandwa.gov

Single-Family & Accessory Structure Zoning Regulations in Low Density Zones

The following general information applies to **all residential properties in [low-density zones](#)** (as defined by Kirkland Zoning Code Section 5.10.490) located within Kirkland City Limits. It does not take in to consideration properties that contain any [critical areas](#) or site specific issues or situations. If you think your property contains a [stream, wetland](#) or [steep slope and/or seismic area](#) contact the Planning & Building Department at 425.587.3225 or PlanningInfo@kirklandwa.gov.

A review of a complete application will reveal exactly which regulations apply to your proposal. The following code provisions were applicable at the time that this handout was prepared. Codes can change over time. Please check with the Planning & Building Department and Public Works Departments for additional requirements. Below are a series of links that most often apply to the development of a detached dwelling unit (single-family home) in a low density zone. If after reviewing the materials in this handout, you have any questions about the impact of effect of a regulation on your property, please contact the Planning & Building Department for assistance.

You are encouraged to contact the Planning & Building Department to verify the zoning of your property. Setbacks are determined by how a property line is defined; please refer to [Property Line Definition](#) for further information.

[Low Density Residential Zones \(RS, RSX, WD II, PLA 6C, PLA 6E, PLA 16\)](#)

[Average Building Elevation Handout](#)

[Height regulations, exceptions \(Zoning Code Section 115.60\)](#)

[Floor area ratio \(FAR\) calculation for detached dwelling units in low density zones \(Zoning Code Section 115.42\)](#)

[Garage setback requirements for detached dwelling units in low density zones \(Zoning Code Section 115.43\)](#)

[Calculating lot coverage \(Zoning Code Section 115.90\)](#)

[Miscellaneous information on required yards \(Zoning Code Section 115.115\)](#)

[Fences \(Zoning Code Section 115.40\)](#)

[Accessory Dwelling Unit/Mother-in-Law Apartment \(Zoning Code Section 115.07\)](#)

[Tree Retention Information \(Zoning Code Section 95.30\)](#)

[Survey Policy](#)

[Holmes Point Overlay Zone \(Zoning Code Chapter 70\)](#)

[Shoreline Master Plan \(if your property is located within 200 feet of Lake Washington\) \(Zoning Code Chapter 83\)](#)

Here are some general links to the:

[Adopted and Pending Code Changes](#) being processed by the City of Kirkland Planning & Building Department

[City of Kirkland: Municipal Code, Zoning Code, Comprehensive Plan](#)

[Kirkland Permit On-Line Permit Tracking System](#)

[City of Kirkland Web Page](#)

[MyBuildingPermit.com](#)

Chapter 85 – GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 85.05 User Guide
- 85.10 Applicability
- 85.12 Environmentally Sensitive Areas (ESA) Maps
- 85.13 Definitions
- 85.14 Erosion Hazard Areas
- 85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas
- 85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas
- 85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas
- 85.30 Appeals
- 85.35 Bonds
- 85.40 Dedication
- 85.45 Liability
- 85.50 Request for Determination

85.05 User Guide

1. This chapter establishes special regulations that apply to development on property containing geologically hazardous areas. These regulations add to and, in some cases, supersede other regulations of this code. See Chapter 95 KZC for additional regulations that address trees and other vegetation within and outside of geologically hazardous areas.
2. If you are interested in developing property that contains a geologically hazardous area, or if you wish to participate in the City's decision on a proposed development on any of these areas, you should read this chapter.
3. For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

(Ord. 4252 § 1, 2010; Ord. 4010 § 3, 2005)

85.10 Applicability

1. General – This chapter applies to any property that contains any of the following:
 - a. An erosion hazard area.
 - b. A landslide hazard area.

- c. A seismic hazard area.
2. Conflict with Other Provisions of this Code – The provisions of this chapter supersede any conflicting provisions of this code. The other provisions of this code that do not conflict with the provisions of this chapter apply to property that contains a geologically hazardous area. If more than one (1) provision of this chapter applies to the subject property because of the presence on the subject property of more than one (1) type of geologically hazardous area, then the regulations that provide the greatest protection from the hazardous area shall apply to the area governed by multiple regulations.
 3. SEPA Compliance – Nothing in this chapter or the decisions made pursuant to this chapter in any way affect the authority of the City to review, condition, and deny projects under SEPA.

85.12 Environmentally Sensitive Areas (ESA) Maps

As part of the City's SEPA Ordinance, City Council adopts, and from time to time amends, a map folio entitled "Kirkland Sensitive Areas." This folio contains maps entitled "Seismic Hazards" and "Landslide and Erosion Hazards." These maps will be used as a guide only to determine the presence of seismic hazards, erosion hazards, and landslide hazards, and the determination regarding whether these hazards exist on or near the subject property will be based on the actual characteristics of these areas and the definitions of this code.

85.13 Definitions

The following definitions apply throughout this code, unless, from the context, another meaning is clearly intended:

1. Environmentally Sensitive Areas Maps – As defined in Chapter 90 KZC.
2. **Erosion Hazard Areas** – Those areas containing soils which, according to the USDA Soil Conservation Service King County Soil Survey dated 1973, may experience severe to very severe erosion hazard. This group of soils includes, but is not limited to, the following when they occur on slopes of 15 percent or greater: Alderwood gravelly sand loam (AgD), **Kitsap silt loam (KpD)**, Ragnar Indianola Association (RdE) and portions of the Everett gravelly sand loams (EvD) and Indianola Loamy fine sands (InD).
3. **Geologically Hazardous Areas – Landslide hazard areas, erosion hazard areas and seismic hazard areas.**
4. Landslide Hazard Areas – Both of the following:

- a. High Landslide Hazard Areas – Areas sloping 40 percent or greater, areas subject to previous landslide activities and areas sloping between 15 percent and 40 percent with zones of emergent groundwater or underlain by or embedded with impermeable silts or clays.
 - b. Moderate Landslide Hazard Areas – Areas sloping between 15 percent and 40 percent and underlain by relatively permeable soils consisting largely of sand and gravel or highly competent glacial till.
5. Seismic Hazard Areas – Those areas subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction, which conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table.

85.14 Erosion Hazard Areas

Regulations to control erosion are contained within KMC Title 15 and in other codes and ordinances of the City. Development activity within erosion hazard areas is regulated using these other provisions of this code and other City codes and ordinances and may be subject to increased scrutiny and conditioning because of the presence of an erosion hazard area.

85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas

The City may require the applicant to submit some or all of the following information, consistent with the nature and extent of the proposed development activity, for any proposed development activity in a landslide hazard area or seismic hazard area or on property which may contain one (1) of these areas based on the environmentally sensitive areas maps or preliminary field investigation by the Planning Official:

1. A topographic survey of the subject property, or the portion of the subject property specified by the Planning Official, with contour intervals specified by the Planning Official. This mapping shall contain the following information:
 - a. Delineation of areas containing slopes 15 percent or greater.
 - b. The proximity of the subject property to streams.
 - c. The location of structured storm drainage systems on the subject property.
 - d. Existing vegetation, including size and type of significant trees.

2. A geotechnical investigation, prepared by a qualified geotechnical engineer or engineering geologist, to determine if a landslide hazard area or seismic hazard area exists on the subject property.
3. A geotechnical report, prepared by a qualified geotechnical engineer or engineering geologist, showing and including the following information:
 - a. A description of how the proposed development will or will not affect slope stability, surface and subsurface drainage, erosion, and seismic hazards on the subject and adjacent properties.
 - b. Evidence, if any, of holocene or recent landsliding, sloughing, or soil creep.
 - c. The location of springs, seeps, or any other surface expression of groundwater, and the location of surface water or evidence of seasonal runoff or groundwater.
 - d. Identification of existing fill areas.
 - e. Soil description in accordance with the United Soil Classification Systems.
 - f. Depth to groundwater and estimates of potential seasonal fluctuations.
4. Geotechnical recommendations, prepared by a qualified geotechnical engineer, for special engineering or other mitigation techniques appropriate to the hazard area along with an analysis of how these techniques will affect the subject and adjacent properties, including discussions and recommendations on the following:
 - a. The present stability of the subject property, the stability of the subject property during construction, the stability of the subject property after all development activities are completed and a discussion of the relative risks and slide potential relating to adjacent properties during each stage of development.
 - b. Location of buildings, roadways, and other improvements.
 - c. Grading and earthwork, including compaction and fill material requirements, use of site solids as fill or backfill, imported fill or backfill requirements, height and inclination of both cut and fill slopes and erosion control and wet weather construction considerations and/or limitations.
 - d. Foundation and retaining wall design criteria, including bearing layer(s), allowable capacities, minimum width, minimum depth, estimated settlements (total and differential), lateral loads, and other pertinent recommendations.

- e. Surface and subsurface drainage requirements and drainage material requirements.
- f. Assessment of seismic ground motion amplification and liquefaction potential.
- g. Other measures recommended to reduce the risk of slope instability.
- h. Any additional information believed to be relevant by the geotechnical engineer preparing the recommendations or requested by the Planning Official.

85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas

1. General – Except as specified in subsection (2) of this section, the City will administratively review and decide upon any proposed development activity within a landslide hazard area or seismic hazard area.
2. Other Approval Required – If the proposed development on the subject property requires approval through Process I, IIA, or IIB, described in Chapters 145, 150, and 152 KZC, respectively, the proposed development activity within the landslide hazard area or seismic hazard area will be reviewed and decided upon as part of that other process.

85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas

(See also Chapter 95 KZC)

As part of any approval of development in a landslide hazard area or seismic hazard area, the City may require the following to protect property and persons:

1. Implementation of the geotechnical recommendations to mitigate identified impacts, along with a written acknowledgment on the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.
2. Funding of a qualified geotechnical engineer or engineering geologist, selected and retained by the City subject to a 3-party contract, to review the geotechnical report and recommendations.
3. That a qualified geotechnical professional be present on-site during land surface modification and foundation installation activities, and submittal by a geotechnical engineer of a final report prior to occupancy, certifying substantial compliance with the geotechnical recommendations and geotechnical-related permit requirements.
4. The retention of any and all trees, shrubs, and groundcover, and implementation of a revegetation plan including immediate planting of additional vegetation.

5. Specifically engineered foundation and retaining wall designs.
6. The review of all access and circulation plans by the Department of Public Works.
7. Limitation or restriction of any development activity that may:
 - a. Significantly impact slope stability or drainage patterns on the subject property or adjacent properties;
 - b. Cause serious erosion hazards, sedimentation problems or landslide hazards on the subject property or adjacent properties; or
 - c. Cause property damage or injury to persons on or off the subject property.
8. Dedication of one (1) or more natural greenbelt protective easements or tracts.

(Ord. 4010 § 3, 2005)

85.30 Appeals

All classifications, decisions, and determinations made under this chapter are appealable using, except as stated below, the applicable appeal provisions of Chapter 145 KZC:

1. The appeal may be filed by the applicant or any other aggrieved person within 15 days of the date of the City's written classification, determination, or decision.
2. If a proposed development activity on the subject property required approval through Process IIA or IIB, described in Chapters 150 and 152 KZC, respectively, any appeal of a classification, determination, or decision under this chapter will be heard as part of that other process.

85.35 Bonds

The City may require a bond under Chapter 175 KZC and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of this chapter or any decision or determination made under this chapter.

85.40 Dedication

The City may require that the applicant dedicate development rights, air space, or an open space easement to the City to ensure the protection of any landslide hazard area or seismic hazard area on the subject property.

85.45 Liability

Prior to issuance of any development permit, the applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Department of Elections and Records.

85.50 Request for Determination

1. General – The determination of whether a geologically hazardous area exists on the subject property and the boundaries of that geologically hazardous area will normally be made when the applicant applies for a development permit for the subject property. However, a property owner may, pursuant to the provisions of this section, request a determination from the City regarding whether a geologically hazardous area exists on the subject property and the boundaries of the geologically hazardous area.
2. Application Information – The applicant shall submit a letter of request along with a vicinity map and site plan indicating the location of the potential geologically hazardous area and other information, as appropriate.
3. Review – A request for determination of whether a geologically hazardous area exists on the subject property, the location of the geologically hazardous area, and the type of geologically hazardous area will be made using the definitions, procedures, and criteria of this chapter, as appropriate.
4. Decision – Determinations regarding geologically hazardous areas pursuant to this section will be made by the Planning Official.
5. Appeals – Appeals from decisions made under this section will be reviewed and decided upon pursuant to KZC 85.30.
6. Effect – Any decision made under this section will be used by the City in any development activity proposed on the subject property for which an application is received within two (2) years of the final decision of the City under this section; provided, that the City may modify any decision made under this section any time physical circumstances have markedly and demonstrably changed on the subject property or the surrounding areas as a result of natural processes or human activity.

Chapter 90 – DRAINAGE BASINS

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INTRODUCTION

90.05 User Guide

The regulations in this chapter apply to activities, work, and conditions in or near any stream, wetland, frequently flooded area, or lake in the City. For properties within jurisdiction of the Shoreline Management Act, the regulations in Chapter 83 KZC must be met. These regulations add to and in some cases supersede other City regulations. Anyone interested in conducting any development activity on or near a wetland, stream, lake, or frequently flooded area; wishing to participate in the City's decision on a proposed development on or near any of these areas; or wishing to have a determination made as to the presence of one (1) of these areas on their property, should read these regulations. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers.

Chapter 83 KZC contains wetland, stream and flood hazard reduction regulations for properties located within its jurisdiction. However, regulations contained in this chapter that are not addressed in Chapter 83 KZC continue to apply, such as bond or performance security, dedication and liability.

(Ord. 4252 § 1, 2010; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.10 Purpose

These regulations were prepared to comply with the Growth Management Act, Chapter 36.70A RCW. The purpose of these regulations is to protect the environment, human life, and property. This purpose will be achieved by preserving the important ecological functions of wetlands, streams, lakes, and frequently flooded areas. The designation and classification of these sensitive areas is intended to assure their preservation and protection from loss or degradation, and to restrict incompatible land uses.

Sensitive areas perform a variety of valuable biological, chemical, and physical functions that benefit the City and its residents. The functions of sensitive areas include, but are not limited to, the following:

1. Wetlands – Wetlands help maintain water quality; store and convey storm and flood water; recharge ground water; provide fish and wildlife habitat; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. The City's goal is to achieve no net loss of wetlands through retention of wetland functions, values, and acreage within each drainage basin. Wetlands are protected in part by buffers, which are upland areas adjacent to wetlands.

Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment loads; remove waterborne contaminants such as excess nutrients, synthetic organic chemicals (e.g., pesticides, oils, and greases), and metals; provide shade for surface water temperature moderation; provide wildlife habitat; and deter harmful intrusion into wetlands.

The primary purpose of wetland regulations is to achieve a goal of no net loss of wetland function, value, and acreage within each drainage basin, which, where possible, includes enhancing and restoring wetlands.

2. Streams – Streams and their associated buffers provide important fish and wildlife habitat and travel corridors; help maintain water quality; store and convey storm and flood water; recharge groundwater; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. Streams are protected in part by buffers, which are adjacent upland areas that interact with streams.

Stream buffers – sometimes known as riparian buffers – serve to moderate runoff volume and flow rates; reduce sediment loads; remove waterborne contaminants such as excess nutrients, synthetic organic chemicals (e.g., pesticides, oils, and greases), and metals; provide shade for surface water temperature moderation; provide wildlife habitat; and deter harmful intrusion into streams.

The primary purpose of stream regulations is to avoid reducing stream and riparian corridor functions, and where possible, to enhance and restore streams and riparian areas.

3. Lakes – Lakes provide important fish and wildlife habitat; store and convey storm and flood water; recharge ground water; store ground water discharge; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. Many uses and activities in and around lakes are regulated under the wetland regulations, because

the shallow perimeter of most lakes (the littoral zone) often meets the definition of a wetland.

Lake Washington is a Shoreline of the State, and is subject to the Shoreline Management Act. Uses and activities near, on or in Lake Washington are regulated by the applicable use zone regulations in Chapters 15 through 56 KZC and by the shoreline regulations in Chapters 83 and 141 KZC. Uses and activities in wetlands contiguous to Lake Washington are subject primarily to the wetland regulations in Chapter 83 KZC, but also some applicable regulations in this chapter. Wetland buffers not located within 200 feet of the ordinary high water mark of Lake Washington are subject to the wetland buffer regulations in this chapter.

The primary purpose of the lake regulations is to avoid impacts to lakes and contiguous riparian areas, and where possible, to enhance and restore lakes.

4. Frequently Flooded Areas – Frequently flooded areas help to store and convey storm and flood water; recharge ground water; provide important riparian habitat for fish and wildlife; and serve as areas for recreation, education, and scientific study. Development within these areas can be hazardous to those inhabiting such development, and to those living upstream and downstream. Flooding also can cause substantial damage to public and private property that results in significant costs to the public as well as to private individuals.

The primary purpose of frequently flooded areas regulations is to regulate development in the 100-year floodplain to avoid substantial risk and damage to public and private property and loss of life.

(Ord. 4476 § 3, 2015; Ord. 4252 § 1, 2010; Ord. 3834 § 1, 2002)

90.15 Applicability

1. General – These regulations apply to any property that contains any of the following:
 - a. Streams;
 - b. Type 1 or 2 wetlands;
 - c. Type 3 wetlands greater than 1,000 square feet in a primary basin;
 - d. Type 3 wetlands greater than 2,500 square feet in a secondary basin;
 - e. Totem Lake and Forbes Lake;
 - f. Frequently flooded areas; and

- g. Buffers required for the preceding six (6) features.
2. **Conflicting Provisions** – The regulations in this chapter supersede any conflicting regulations in the Kirkland Zoning Code. For properties within jurisdiction of the Shoreline Management Act, the regulations in Chapter 83 KZC supersede any conflicting regulation in this chapter. If more than one (1) regulation applies to the subject property, then the regulation that provides the greatest protection to sensitive areas shall apply.
3. **Other Jurisdictions** – Nothing in these regulations eliminates or otherwise affects the responsibility of the applicant or property owner to comply with all other applicable local, state, and federal laws regulating development activities in sensitive areas, as herein defined.
4. **SEPA Compliance** – Nothing in these regulations or the decisions made pursuant to these regulations affects the authority of the City to review, condition, and deny projects under the State Environmental Policy Act, Chapter 43.21C RCW.

(Ord. 4252 § 1, 2010; Ord. 3834 § 1, 2002)

90.20 General Exceptions

The following activities or conditions shall be exempt from this chapter:

1. Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, retention and/or detention facilities, farm ponds, and landscape features, except activities involving wetlands or streams that are created as mitigation for impacts to regulated sensitive areas, or that support state or federally listed threatened or endangered species.
2. Legally filled wetlands, or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.
3. Activities affecting Type 3 wetlands that are 1,000 square feet or less in any of the primary basins, or affecting Type 3 wetlands that are 2,500 square feet or less in any of the secondary basins.
4. All utility work in improved City rights-of-way; all normal and routine maintenance, operation and reconstruction of existing roads, streets, and associated rights-of-way and structures; construction of sewer or water lines that connect to existing lines in a sensitive area or buffer where no feasible alternative location exists based on an analysis of technology and system efficiency; and minor replacement or modification of

existing facilities by a public utility in an improved utility corridor. In each case (1) such activities shall not increase the impervious area (excluding utility poles) or reduce flood storage capacity, and (2) the construction drawings shall specify that all affected sensitive areas and buffers will be expeditiously restored to their pre-project condition or better. For purposes of this subsection only, "improved City rights-of-way" shall include the Cross Kirkland Corridor, Eastside Rail Corridor, and those rights-of-way that have improvements only underground, as well as those with surface improvements.

5. Construction of public nonmotorized trails within the Cross Kirkland Corridor and Eastside Rail Corridor; provided, that (1) the trail is located in a manner that, to the extent feasible, avoids and minimizes impacts to sensitive areas and buffers such as placement on previously disturbed areas, (2) the trail project includes on-site or off-site mitigation of new impacts to affected sensitive areas and buffers, and (3) pervious or other low-impact materials are used where practical.

6. Normal and routine maintenance or repair of structures; provided, that such activities do not increase the previously approved structure footprint within a sensitive area or its buffer. Increases in structure footprint outside of such areas shall be allowed, even if all or a portion of the previously approved footprint is within such areas.

7. Site investigative work and studies necessary for preparing and processing land use applications, including but not limited to hand-dug holes for soils tests, water quality sampling, wildlife studies, and wetland and stream investigations; provided, that any disturbance of the sensitive area or its buffer shall be the minimum necessary to carry out the work or studies. Use of any mechanized equipment requires prior approval of the Planning Official. Areas disturbed by these activities shall be expeditiously stabilized and replanted, as approved by the Planning Official, to restore them to their previous condition.

8. Educational activities, scientific research, and passive outdoor recreational activities such as bird watching.

9. Emergency activities necessary to prevent an immediate threat to public health, safety, or welfare.

(Ord. 4442 § 1, 2014; Ord. 3834 § 1, 2002)

90.25 Sensitive Areas Maps and Other Resources

As part of the City's SEPA Ordinance, the City Council adopted, and may amend, a map folio entitled "Kirkland Sensitive Areas." Some of the maps in this folio depict wetlands, streams, and 100-year floodplains. The most recent amendment to this map folio reflects

a 1998 study of wetlands and streams throughout the City's drainage basins and other sensitive areas discovered since 1992. The map folio, subsequent amendments, and other available resources (such as topographic maps, soils maps, and air photos) are intended only as guides. They depict the *approximate* location and extent of known sensitive areas. Some sensitive areas depicted in these resources may no longer exist; further, sensitive areas not shown in these resources may occur. Property owners and project applicants are strongly advised to retain qualified professionals to conduct site-specific studies for the presence of sensitive areas.

(Ord. 3834 § 1, 2002)

90.30 Definitions

1. Basin – A specific area of land drained by a particular watercourse and its tributaries.
2. Buffer – The area immediately adjacent to wetlands and streams that protects these sensitive areas and provides essential habitat elements for fish and/or wildlife.
3. Buffer Setback – A setback distance of 10 feet from a designated or modified wetland or stream buffer within which no buildings or other above-ground structures may be constructed, except as provided in KZC 90.45(2) and 90.90(2). The buffer setback serves to protect the wetland or stream buffer during development activities, use, and routine maintenance occurring adjacent to these resources.
4. Class A Streams – Streams that are used by salmonids. Class A streams generally correlate with Type 3 streams as defined in the Washington State Hydraulic Code.
5. Class B Streams – Perennial streams (during years of normal precipitation) that are not used by salmonids. Class B streams generally correlate with Type 4 streams as defined in the Washington State Hydraulic Code.
6. Class C Streams – Seasonal or ephemeral streams (during years of normal precipitation) not used by salmonids. Class C streams generally correlate with Type 5 streams as defined in the Washington State Hydraulic Code.
7. Critical Areas – Critical areas include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

8. Frequently Flooded Areas – All areas shown on the Kirkland sensitive areas maps as being within a 100-year floodplain, as well as all areas regulated by Chapter 21.56 KMC.
9. Minor Improvements – Walkways, pedestrian bridges, benches, and similar features, as determined by the Planning Official, pursuant to KZC 90.45(5) and 90.90(5).
10. Primary Basins – The following basins, as shown on the Sensitive Areas Map: Juanita Creek, Forbes Creek, South Juanita Slope, Yarrow Creek, Carillon Creek, Denny Creek, and Champagne Creek.
11. Qualified Professional – An individual with relevant education and training, as determined by the Planning Official, and with at least three (3) years' experience in biological fields such as botany, fisheries, wildlife, soils, ecology, and similar areas of specialization, and including a professional wetland scientist.
12. Salmonid – A member of the fish family salmonidae, which include chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, and cutthroat trout; brown trout; brook and dolly varden char, kokanee, and white fish.
13. Secondary Basins – Moss Bay, Houghton Slope A, Houghton Slope B, Kirkland Slope, Holmes Point and Kingsgate Slope, which are depicted on the Sensitive Areas Map.
14. Sensitive Areas – Wetlands, streams, lakes, and frequently flooded areas.
15. Significant Habitat Area – An area that provides food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of plants, fish, or wildlife. The terms threatened, endangered, sensitive, monitor, and priority pertain to lists, categories, and definitions of species promulgated by the Washington Department of Wildlife (Non-Game Data Systems Special Animal Species), as identified in WAC 232-12-011 or 232-12-014, or in the Priority Habitat and Species (PHS) program of the Washington State Department of Wildlife, or in rules and regulations adopted from time to time by the U.S. Fish and Wildlife Service.
16. Streams – Areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water, including but not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. Streams do not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial

watercourses, unless they are used by salmonids or convey a naturally occurring stream that has been diverted into the artificial channel.

17. Type 1 Wetlands – Wetlands that meet any of the following conditions:
 - a. Wetlands contiguous to Lake Washington;
 - b. Wetlands containing at least one-quarter (1/4) acre of organic soils, such as peat bogs or mucky soils;
 - c. Wetlands equal to or greater than 10 acres in size and having three (3) or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one (1) of which is open water;
 - d. Wetlands that have significant habitat value to state or federally listed threatened or endangered wildlife species; or
 - e. Wetlands that contain state or federally listed threatened or endangered plant species.
18. Type 2 Wetlands – Wetlands that do not meet any of the criteria for Type 1 Wetlands, yet provide significant habitat function and value, and that merit at least 22 points as determined by using the City's Wetland Field Data Form, which is Plate 26 of Chapter 180 KZC.
19. Type 3 Wetlands – Wetlands that do not meet the criteria for either Type 1 or Type 2 wetlands and that merit fewer than 22 points as determined by using the City's Wetland Field Data Form, which is Plate 26 of Chapter 180 KZC.
20. Watershed – A region or area bounded on the periphery by a parting of water and draining to a particular watercourse or body of water.
21. Wetlands – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, retention and/or 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. However, wetlands do

include those artificial wetlands intentionally created from non-wetland sites as mitigation for the conversion of wetlands.

(Ord. 4196 § 1, 2009; Ord. 3977 § 3, 2004; Ord. 3834 § 1, 2002)

WETLANDS

90.35 Wetland Determinations, Delineations, Regulations, Criteria, and Procedures

All delineations of wetlands shall be made using the criteria and procedures described in WAC 173-22-035, now or as hereafter amended. All determinations, delineations, and regulations of wetlands shall be based on the entire extent of the wetland, irrespective of property lines, ownership patterns, and the like.

(Ord. 4320 § 1, 2011; Ord. 3834 § 1, 2002)

90.40 Wetland Determinations

Either prior to or during review of a development application, the Planning Official shall determine whether a wetland or its buffer is present on the subject property using the following provisions:

1. During or immediately following a site inspection, the Planning Official shall make an initial assessment as to whether any portion of the subject property or surrounding area (which shall be the area within 100 feet of the subject property) meets the definition of a wetland. If this initial site inspection does not indicate the presence of a wetland on the subject property or surrounding area, no additional wetland studies will be required. However, if the initial site inspection or information subsequently obtained indicates the presence of a wetland on the subject property or surrounding area, then the applicant shall follow the procedure in subsection (2) of this section.
2. If the initial site inspection or information subsequently obtained indicates that a wetland may exist on or near the subject property or surrounding area, the applicant shall either (a) fund a study and report prepared by the City's wetland consultant; or (b) submit a report prepared by a qualified professional approved by the City, and fund a review of this report by the City's wetland consultant.
3. If a wetlands study and report are required, at a minimum the report shall include the following:
 - a. A summary of the methodology used to conduct the study;

- b. A professional survey which is based on the KCAS or plat-bearing system and tied to a known monument, depicting the wetland boundary on a map of the surrounding area which shows the wetland and its buffer;
 - c. A description of the wetland habitat(s) found throughout the entire wetland (not just on the subject property) using the U.S. Fish & Wildlife Service classification system (*Classification of Wetlands and Deepwater Habitats in the U.S.*, Cowardin et al., 1979);
 - d. A description of nesting, denning, and breeding areas found in the wetland or its surrounding area;
 - e. A description of the surrounding area, including any drainage systems entering and leaving the wetland, and a list of observed or documented plant and wildlife species;
 - f. A description of historical, hydrologic, vegetative, topographic, and soil modifications, if any;
 - g. A proposed classification of the wetland as a Type 1, 2, or 3 wetland, including the rationale for the proposed classification; and
 - h. A completed Wetland Field Data Form, which is Plate 26 of Chapter 180 KZC.
4. Formal determination of whether a wetland exists on the subject property, as well as its boundaries, habitat classes, and rating, shall be made by the Planning Official after preparation and review of the report, if applicable, by the City's wetland consultant. A decision of the Planning Official may be appealed pursuant to KZC 90.160. The Planning Official's decision under this section shall be used for review of any development activity proposed on the subject property for which an application is received within two (2) years of the decision; provided, that the Planning Official may modify any decision whenever physical circumstances have markedly and demonstrably changed on the subject property or the surrounding area as a result of natural processes or human activity.

(Ord. 3834 § 1, 2002)

90.45 Wetland Buffers and Setbacks

1. No land surface modification or tree removal shall occur and no improvement may be located in a wetland or its buffer, except as provided in this section through KZC 90.70. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and

Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for wetlands are as follows:

Wetland Type	Primary Basin	Secondary Basin
1	100 feet	75 feet
2	75 feet	50 feet
3	50 feet	25 feet

2. Buffer Setback – Structures shall be set back at least 10 feet from the designated or modified wetland buffer. The Planning Official may allow within this setback minor improvements which would clearly have no adverse effect during their construction, installation, use, or maintenance, on fish, wildlife, or their habitat or any vegetation in the buffer or adjacent wetland. The Planning Official's decision may be appealed in accordance with KZC 90.160.

3. Storm Water Outfalls – Surface discharge of storm water through wetland buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, that surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and if the storm water outfall will not:

- a. Adversely affect water quality;
- b. Adversely affect fish, wildlife, or their habitat;
- c. Adversely affect drainage or storm water detention capabilities;
- d. Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
- e. Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The decision of the Public Works and Planning Officials may be appealed in accordance with KZC 90.160.

If a piped system is used, catch basins may be located within the buffer setback specified in subsection (2) of this section, but must be installed as far as feasible

from the buffer boundary (see Plate 25 of Chapter 180 KZC). Under this subsection, pipe conveying storm water may be located within the buffer, but catch basins may not. Detention and water quality treatment devices shall not be located within the wetland buffers or buffer setbacks of this section except as provided below.

4. Water Quality Facilities – Water quality facilities, as determined by the Planning Official, may be located within the wetland buffers of subsection (1) of this section. The Planning Official shall approve a proposal to install a water quality facility within the outer one-half (1/2) of a wetland buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas;
- f. The existing buffer is already degraded as determined by a qualified professional;
- g. Its installation would be followed immediately by enhancement of an area equal in size and immediately adjacent to the affected portion of the buffer; and
- h. Once installed, it would not require any further disturbance or intrusion into the buffer.

The Planning Official shall approve a proposal by a public agency to install a water quality facility elsewhere in a wetland buffer if criteria i – l (below) are met in addition to a – h (above):

- i. The project includes enhancement of the entire buffer;
- j. The project would provide an exceptional ecological benefit off-site;
- k. The water quality facility, once installed, would not require any further disturbance or intrusion into the buffer; and

- I. There is no practicable or feasible alternative proposal that results in less impact to the buffer.

The Planning Official's decision may be appealed in accordance with KZC 90.160.

5. Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection (1) of this section. These minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer, except where approved stream crossings are made. The Planning Official shall approve a proposal to construct a minor improvement within an environmentally sensitive area buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
- e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The Planning Official may require the applicant to submit a report prepared by a qualified professional which describes how the proposal will or will not comply with the criteria for approving a minor improvement. The Planning Official's decision may be appealed in accordance with KZC 90.160.

(Ord. 4320 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.50 Wetland Buffer Fence or Barrier

Prior to beginning development activities, the applicant shall install a 6-foot-high construction-phase chain link fence or equivalent fence, as approved by the Planning Official along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard, in a manner approved by the Planning Official. The construction-phase fence shall remain upright in the approved location for the duration of development activities.

Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either (1) a permanent 3- to 4-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent

barrier, as approved by the Planning Official. Installation of the permanent fence or planted barrier must be done by hand where necessary to prevent machinery from entering the wetland or its buffer.

(Ord. 3834 § 1, 2002)

90.55 Wetland Modification

1. Modification of Type 1 Wetlands – No land surface modification shall occur and no improvement shall be located in a Type 1 wetland, except as provided in this subsection. Furthermore, all modifications of a Type 1 wetland shall be consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998).

An applicant may request a modification of the requirements of this subsection. The City Council shall consider the modification request pursuant to Process IIB, described in Chapter 152 KZC. As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall contain all information specified in KZC 90.40(3) as well as an assessment of the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the wetland and its buffer. The report shall also assess the effects of the proposed modification on those functions. In addition to criteria of Process IIB, the City Council shall approve an improvement or land surface modification in a wetland only if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not have an adverse effect on drainage and/or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
- e. It will not be materially detrimental to any other property or the City as a whole;
- f. It will result in land surface modification of no more than five (5) percent of the wetland on the subject property;

- g. Compensatory mitigation is provided in accordance with the table in subsection (4) of this section;
 - h. Fill material does not contain organic or inorganic material that would be detrimental to water quality or fish and wildlife habitat;
 - i. All exposed areas are stabilized with vegetation normally associated with native wetlands and/or buffers, as appropriate; and
 - j. There is no practicable or feasible alternative development proposal that results in less impact to the Type 1 wetland and its buffer.
2. Modification of Type 2 Wetlands – No land surface modification shall occur and no improvement shall be located in a Type 2 wetland, except as provided in this subsection.

An applicant may request a modification of the requirements of this subsection. The Hearing Examiner shall consider the modification request pursuant to Process IIA, described in Chapter 150 KZC. The requirements for requesting such a modification are identical to those listed above for a Type 1 wetland with the following exceptions:

- a. In primary basins, the modification shall not affect more than 10 percent of the wetland on the subject property; and
 - b. In secondary basins, the modification shall not affect more than 25 percent of the wetland on the subject property.
3. Modification of Type 3 Wetlands – No land surface modification shall occur and no improvement may be located in a Type 3 wetland, except as provided in this subsection.

An applicant may request a modification of the requirements of this subsection. The Planning Official shall consider the modification request in conjunction with approval of the applicable development permit. The requirements for requesting such a modification are identical to those listed above for a Type 1 wetland with the following exceptions:

- a. In primary basins, the modification shall not affect more than 50 percent of the wetland on the subject property; and
- b. In secondary basins, the modification may affect all of the wetland on the subject property.

Decisions on requests to modify Type 3 wetlands may be appealed in accordance with KZC 90.160.

4. **Compensatory Mitigation** – All approved impacts to regulated wetlands require compensatory mitigation so that the goal of no net loss of wetland function, value, and acreage may be achieved. Mitigation shall be implemented through the creation of wetlands (from non-wetland areas) or through the restoration of wetlands (from uplands that were formerly wetlands). The following mitigation ratios (the ratio of the mitigated area to the impacted area) shall apply:

Wetland Type	Primary Basin	Secondary Basin
1	3:1	3:1
2	2:1	1.5:1
3	1.5:1	1:1

Compensatory mitigation as wetland enhancement (that is, the improvement of existing wetlands) shall also be allowed. In primary basins, no more than one-third (1/3) of the mitigation may consist of enhancement; in secondary basins, no more than one-half (1/2) of the mitigation may consist of enhancement.

On-site mitigation is presumed to be preferable to off-site mitigation. The decision maker may approve a plan to implement all or a portion of the required mitigation off-site, if the off-site mitigation is within the same drainage basin as the property that will be impacted by the project. The applicant shall demonstrate that the off-site mitigation will result in higher wetland functions, values, and/or acreage than on-site mitigation. Required compensatory mitigation ratios shall be the same for on-site or off-site mitigation, or a combination of both.

If the proposed on-site or off-site mitigation plan will result in the creation or expansion of a wetland or its buffer on any property other than the subject property, the plan shall not be approved until the applicant submits to the Planning Official a copy of a statement signed by the owners of all affected properties, in a form approved by the City Attorney and recorded in the King County Department of Elections and Records, consenting to the wetland and/or buffer creation or increase on such property.

Applicants proposing to alter wetlands or their buffers shall submit a mitigation plan prepared by a qualified professional. The mitigation plan shall consist of a description of the existing functions and values of the wetlands and buffers affected by the proposed project, the nature and extent of impacts to those areas, and the

mitigation measures to offset those impacts. The mitigation plan shall also contain a drawing that illustrates the compensatory mitigation elements. The plan and/or drawing shall list plant materials and other habitat features to be installed.

To ensure success of the mitigation plan, the applicant shall submit a monitoring and maintenance program prepared by a qualified professional. At a minimum, the monitoring and maintenance plan shall include the following:

- a. The goals and objectives for the mitigation plan;
- b. Success criteria by which the mitigation will be assessed;
- c. Plans for a 5-year monitoring and maintenance program;
- d. A contingency plan in case of failure; and
- e. Proof of a written contract with a qualified professional who will perform the monitoring program.

The monitoring program shall consist of at least two (2) site visits per year by a qualified professional, with annual progress reports submitted to the Planning Official and all other agencies with jurisdiction.

The cost of producing and implementing the mitigation plan, the monitoring and maintenance program, reports, and drawing, as well as the review of each component by the City's wetland consultant, shall be borne by the applicant.

(Ord. 3834 § 1, 2002)

90.60 Wetland Buffer Modification

1. Modification of Wetland Buffers when Wetland Is Also To Be Modified – Wetland buffer impact is assumed to occur when wetland fill or modification is proposed. Any proposal for wetland fill/modification shall include provisions for establishing a new wetland buffer zone to be located around the compensatory mitigation sites and to be equal in width to its standard buffer specified in KZC 90.45(1) or a buffer reduced in accordance with this section by no more than one-third (1/3) of the standard buffer width in all cases (regardless of wetland type or basin type).
2. Modification of Wetland Buffers when Wetland Is Not To Be Modified – No land surface modification may occur and no improvement may be located in a wetland buffer, except as provided for in this subsection. Buffer widths may be decreased if an applicant receives a modification request approval.

a. Types of Buffer Modifications – Buffers may be reduced through one (1) of two (2) means, either (1) buffer averaging, or (2) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used:

1) Buffer averaging requires that the area of the buffer resulting from the buffer averaging is equal in size and quality to the buffer area calculated by the standards specified in KZC 90.45(1). Buffers may not be reduced at any point by more than one-third (1/3) of the standards specified in KZC 90.45(1). Buffer averaging calculations shall only consider the subject property.

2) Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means), the reduced buffer will function at a higher level than the existing standard buffer. At a minimum, a buffer enhancement plan shall provide the following: (a) a map locating the specific area of enhancement; (b) a planting plan that uses native species, including groundcover, shrubs, and trees; and (c) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in KZC 90.55(4). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC 90.45(1).

b. Review Process and Decisional Criteria – Modification requests for averaging or reduction/enhancement of Types 1 and 2 wetland buffers shall be considered by the Hearing Examiner pursuant to Process IIA, described in Chapter 150 KZC. Modification requests for averaging or reduction/enhancement of Type 3 wetland buffers shall be considered by the Planning Official.

An improvement or land surface modification shall be approved in a wetland buffer only if:

- 1) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998);
- 2) It will not adversely affect water quality;
- 3) It will not adversely affect fish, wildlife, or their habitat;
- 4) It will not have an adverse effect on drainage and/or storm water detention capabilities;

- 5) It will not lead to unstable earth conditions or create an erosion hazard;
- 6) It will not be materially detrimental to any other property or the City as a whole;
- 7) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- 8) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and
- 9) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the nine (9) criteria listed in this subsection (2)(b) of this section.

(Ord. 4072 § 1, 2007; Ord. 3834 § 1, 2002)

90.65 Wetland Restoration

Planning Official approval is required prior to wetland restoration. The Planning Official may permit or require the applicant or property owner to restore and maintain a wetland and/or its buffer by removing material detrimental to the area, such as debris, sediment, or vegetation. The Planning Official may also permit or require the applicant to restore a wetland or its buffer through the addition of native plants and other habitat features. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50 (11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Restoration may be required whenever a condition detrimental to water quality or habitat exists. When wetland restoration is required by the City, the requirements of KZC 90.55(4), Compensatory Mitigation, shall apply.

(Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.70 Wetland Access

The City may develop access through a wetland and its buffer in conjunction with a public park.

(Ord. 3834 § 1, 2002)

MINOR LAKEs

90.75 Totem Lake and Forbes Lake

The majority, if not the entirety, of the perimeters of Totem Lake and Forbes Lake meet the definition of wetlands. All activities in the shallow (less than or equal to 6.6 feet) portions of these lakes as well as in their contiguous wetlands (located above the high waterline) are regulated pursuant to KZC 90.35 through 90.70. Activities in deep water portions (water depths greater than 6.6 feet) of these lakes, that is, waterward of the lakes' perimeter wetlands, shall be regulated as follows:

1. The Planning Official may permit or require the applicant or property owner to rehabilitate and maintain a lake by removing material detrimental to the lake, such as debris, sediment, or non-native vegetation. Rehabilitation may be required when a condition detrimental to water quality or habitat exists. Decisions made under this paragraph may be appealed in accordance with KZC 90.160.
2. Moorage structures are permitted in Totem Lake and Forbes Lake. The Planning Official shall consider requests to construct, replace, or repair structures concurrently with the Washington Department of Fish and Wildlife's review of a Hydraulic Project Approval (HPA), or upon notification by that agency that an HPA is not required.
3. The Planning Official shall review applications for moorage structures using Process I, described in Chapter 145 KZC. The Planning Director shall authorize a moorage structure to be constructed only if (a) it is accessory to a dwelling unit or public park on the subject property, and (b) no significant habitat area will be destroyed.
4. A moorage structure shall extend no farther than is necessary to function properly, but in no event may extend more than 125 feet waterward of the high waterline.
5. A moorage structure shall not be treated with creosote or oil base or toxic substances.
6. Docks and pier decks and the tops of other moorage structures shall not be more than two (2) feet above the high waterline.
7. Bulkheads are prohibited unless (a) necessary to prevent significant erosion and (b) the use of vegetation or other "bioengineering" materials and techniques would not sufficiently stabilize the shoreline.

(Ord. 3834 § 1, 2002)

STREAMS

90.80 Activities in or Near Streams

No land surface modification or tree removal may occur and no improvements may be located in a stream or its buffer except as provided in this chapter.

(Ord. 4320 § 1, 2011; Ord. 3834 § 1, 2002)

90.85 Stream Determinations

The Planning Official shall determine whether a stream or stream buffer is present on the subject property using the following provisions. During or immediately following a site inspection, the Planning Official shall make an initial assessment as to whether a stream exists on any portion of the subject property or surrounding area (which shall be the area within approximately 100 feet of the subject property).

If the initial site inspection indicates the presence of a stream, the Planning Official shall determine, based on the definitions contained in this chapter and after a review of all information available to the City, the classification of the stream.

If this initial site inspection does not indicate the presence of a stream on or near the subject property, no additional stream study will be required.

If an applicant disagrees with the Planning Official's determination that a stream exists on or near the subject property or the Planning Official's classification of a stream, the applicant shall submit a report prepared by a qualified professional approved by the Planning Official that independently evaluates the presence of a stream or the classification of the stream, based on the definitions contained in this chapter.

The Planning Official shall make final determinations regarding the existence of a stream and the proper classification of that stream. This determination may be appealed pursuant to the provisions of KZC 90.160. The Planning Official's decision under this section shall be used for review of any development activity proposed on the subject property for which an application is received within two (2) years of the decision; provided, that the Planning Official may modify any decision whenever physical circumstances have markedly and demonstrably changed on the subject property or the surrounding area as a result of natural processes or human activity.

(Ord. 3834 § 1, 2002)

90.90 Stream Buffers and Setbacks

1. Stream Buffers – No land surface modification or tree removal shall occur and no improvement may be located in a stream or its buffer, except as provided in this section

through KZC 90.120. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for streams are as follows:

Stream Class	Primary Basins	Secondary Basins
A	75 feet	N/A
B	60 feet	50 feet
C	35 feet	25 feet

Stream buffers shall be measured from each side of the top of the slope of the channel of the stream except that where streams enter or exit pipes, the buffer shall be measured in all directions from the pipe opening (see Plates 16 and 16A of Chapter 180 KZC). Essential improvements to accommodate required vehicular, pedestrian, or utility access to the subject property may be located within those portions of stream buffers which are measured toward culverts from culvert openings.

2. Buffer Setback – Structures shall be set back at least 10 feet from the designated or modified stream buffer. The Planning Official may allow within this setback minor improvements which would have no potential adverse effect during their construction, installation, use, or maintenance to fish, wildlife, or their habitat or to any vegetation in the buffer or adjacent stream. The Planning Official's decision may be appealed in accordance with KZC 90.160.

3. Storm Water Outfalls – Surface discharge of storm water through stream buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, that surface discharge of storm water through the buffer would clearly pose a threat to slope stability; and if the storm water outfall will not:

- a. Adversely affect water quality;
- b. Adversely affect fish, wildlife, or their habitat;
- c. Adversely affect drainage or storm water detention capabilities;

d. Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;

e. Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The decision of the Planning and Public Works Officials may be appealed in accordance with KZC 90.160.

If a pipe system is used, catch basins may be located within the buffer setback of subsection (2) of this section, but must be installed as far as feasible from the buffer boundary (see Plate 25 of Chapter 180 KZC). Under this subsection, pipe conveying storm water may be located within the buffer, but catch basins may not. Detention and water quality treatment devices shall not be located within the stream buffers or buffer setbacks of this section except as provided below.

4. Water Quality Facilities – Water quality facilities, as determined by the Planning Official, may be located within the stream buffers of subsection (1) of this section. The Planning Official shall approve a proposal to install a water quality facility within the outer one-half (1/2) of a stream buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas;
- f. The existing buffer is already degraded as determined by a qualified professional;
- g. Its installation of the water quality facility would be followed immediately by enhancement of an area equal in size and immediately adjacent to the affected portion of the buffer; and

h. Once installed, it would not require any further disturbance or intrusion into the buffer.

The Planning Official shall approve a proposal by a public agency to install a water quality facility elsewhere in a stream buffer if Criteria i – l (below) are met in addition to a – h (above):

i. The project includes enhancement of the entire buffer;

j. The project would provide an exceptional ecological benefit off-site;

k. The water quality facility, once installed, would not require any further disturbance or intrusion into the buffer; and

l. There is no practicable or feasible alternative proposal that results in less impact to the buffer.

The Planning Official's decision may be appealed in accordance with KZC 90.160.

5. Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection (1) of this section. These minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer, except where approved stream crossings are made. The Planning Official shall approve a proposal to construct a minor improvement within a sensitive area buffer if:

a. It will not adversely affect water quality;

b. It will not adversely affect fish, wildlife, or their habitat;

c. It will not adversely affect drainage or storm water detention capabilities;

d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and

e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The Planning Official may require the applicant to submit a report prepared by a qualified professional which describes how the proposal will or will not comply with the criteria for approving a minor improvement. The Planning Official's decision may be appealed in accordance with KZC 90.160.

(Ord. 4320 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.95 Stream Buffer Fence or Barrier

Prior to beginning development activities, the applicant shall install a 6-foot-high construction-phase chain link fence or equivalent fence, as approved by the Planning Official, along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard, in a manner approved by the Planning Official. The construction-phase fence shall remain upright in the approved location for the duration of development activities.

Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either (1) a permanent 3- to 4-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official. Installation of the permanent fence or planted barrier must be done by hand where necessary to prevent machinery from entering the stream or its buffer.

(Ord. 3834 § 1, 2002)

90.100 Stream Buffer Modification

1. Types of Buffer Modification – Buffers may be reduced through one (1) of two (2) means, either (a) buffer averaging; or (b) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used.

a. Buffer averaging requires that the area of the buffer resulting from the buffer averaging be equal in size and quality to the buffer area calculated by the standards specified in KZC 90.90(1). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC 90.90(1). Buffer averaging calculations shall only consider the subject property.

b. Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means) the reduced buffer will function at a higher level than the standard existing buffer. A buffer enhancement plan shall at a minimum provide the following: (1) a map locating the specific area of enhancement; (2) a planting plan that uses native species, including groundcover, shrubs, and trees; and (3) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in KZC 90.55(4). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC 90.90(1).

2. **Review Process and Decisional Criteria** – Modification requests for averaging or reduction/enhancement of Class A stream buffers shall be considered by the Hearing Examiner pursuant to Process IIA, described in Chapter 150 KZC. **Modification requests for averaging or reduction/enhancement of Class B stream buffers shall be considered by the Planning Official pursuant to Process I,** described in Chapter 145 KZC.

Modification requests for averaging or reduction/enhancement of Class C stream buffers shall be considered by the Planning Official.

An improvement or land surface modification shall be approved in a stream buffer only if:

- a. It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998);
- b. It will not adversely affect water quality;
- c. It will not adversely affect fish, wildlife, or their habitat;
- d. It will not have an adverse effect on drainage and/or storm water detention capabilities;
- e. It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
- f. It will not be materially detrimental to any other property or the City as a whole;
- g. Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- h. All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and
- i. There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall assess the habitat, water quality, storm water detention, ground water recharge, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the nine (9) criteria listed in this subsection.

(Ord. 4072 § 1, 2007; Ord. 3834 § 1, 2002)

90.105 Stream Relocation or Modification

A proposal to relocate or modify a Class C stream shall be considered by the Planning Official. A proposal to relocate or modify a Class A or B stream shall be considered by the Planning Official pursuant to Process I. The Planning Official shall permit a stream to be relocated or modified only if water quality, conveyance, fish and wildlife habitat, wetland recharge (if hydrologically connected to a wetland), and storm water detention capabilities of the stream, will be significantly improved by the relocation or modification. Convenience to the applicant in order to facilitate general site design may not be considered.

A proposal to relocate or modify a Class A stream shall be approved only if the Washington Department of Fish and Wildlife issues a Hydraulic Project Approval for the project. Furthermore, all modifications shall be consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998).

If the proposed stream activity will result in the creation or expansion of a stream or its buffer on any property other than the subject property, the Planning Official shall not approve the plan until the applicant submits to the Planning Official a copy of a statement signed by the owners of all affected properties, in a form approved by the City Attorney and recorded in the King County Department of Elections and Records, consenting to the sensitive area and/or buffer creation or increase on such property.

Prior to the Planning Official's approval of a stream relocation or modification, the applicant shall submit a stream relocation/modification plan prepared by a qualified professional approved by the Planning Official. The cost of producing and implementing the stream relocation/modification plan, and the cost of review of that plan by the City's stream consultant shall be borne by the applicant. This plan shall contain or demonstrate the following:

1. A topographic survey showing existing and proposed topography and improvements;
2. The filling and revegetation of the existing stream channel;
3. A proposed phasing plan specifying time of year for all project phases;
4. The ability of the new stream channel to accommodate flow and velocity of 100-year storm events; and

5. The design and implementation features and techniques listed below, unless clearly and demonstrably inappropriate for the proposed relocation or modification:

- a. The creation of natural meander patterns;
- b. The formation of gentle and stable side slopes, no steeper than two (2) feet horizontal to one (1) foot vertical, and the installation of both temporary and permanent erosion-control features (the use of native vegetation on stream banks shall be emphasized);
- c. The creation of a narrow sub-channel (thalweg) against the south or west stream bank;
- d. The utilization of native materials;
- e. The installation of vegetation normally associated with streams, emphasizing native plants with high food and cover value for fish and wildlife;
- f. The creation of spawning areas, as appropriate;
- g. The re-establishment of fish population, as appropriate;
- h. The restoration of water flow characteristics compatible with fish habitat areas;
- i. Demonstration that the flow and velocity of the stream after relocation or modification shall not be increased or decreased at the points where the stream enters and leaves the subject property, unless the change has been approved by the Planning Official to improve fish and wildlife habitat or to improve storm water management; and
- j. A written description of how the proposed relocation or modification of the stream will significantly improve water quality, conveyance, fish and wildlife habitat, wetland recharge (if hydrologically connected to a wetland), and storm water detention capabilities of the stream.

Prior to diverting water into a new stream channel, a qualified professional approved by the Planning Official shall inspect the completed new channel and issue a written report to the Planning Official stating that the new stream channel complies with the requirements of this section. The cost for this inspection and report shall be borne by the applicant.

(Ord. 3834 § 1, 2002)

90.110 Bulkheads in Streams

Bulkheads are not permitted along a stream except as provided in this section. A proposal for a bulkhead shall be reviewed and decided upon by the Planning Official. Decisions made under this subsection may be appealed in accordance with KZC 90.160. The Planning Official shall allow a bulkhead to be constructed only if:

1. It is not located within a wetland or between a wetland and a stream;
2. It is needed to prevent significant erosion;
3. The use of vegetation and/or other biological materials would not sufficiently stabilize the stream bank to prevent significant erosion;
4. The applicant submits a plan prepared by a qualified professional approved by the Planning Official that shows a bulkhead and implementation techniques that meet the following criteria:
 - a. There will be no adverse impact to water quality;
 - b. There will be no adverse impact to fish, wildlife, and their habitat;
 - c. There will be no increase in the velocity of stream flow, unless approved by the Planning Official to improve fish habitat;
 - d. There will be no decrease in flood storage volumes;
 - e. Neither the installation, existence, nor operation of the bulkhead will lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
 - f. Neither the installation, existence, nor operation of the bulkhead will be detrimental to any other property or the City as a whole.

The bulkhead shall be designed and constructed to minimize the transmittal of water current and energy to other properties. Changes in the horizontal or vertical configuration of the land shall be kept to a minimum. Fill material used in construction of a bulkhead shall be non-dissolving and non-decomposing. The applicant shall also stabilize all exposed soils by planting native riparian vegetation with high food and cover value for fish and wildlife.

(Ord. 3834 § 1, 2002)

90.115 Culverts in Streams

Culverts are not permitted in streams except as specified in this section. The Planning Official shall review and decide upon an application to place a stream in a culvert under an access drive, driveway, or street. Decisions made under this subsection may be appealed in accordance with KZC 90.160. The Planning Director will review and decide upon proposals to place streams in culverts, other than as specified above, using Process I, described in Chapter 145 KZC. A stream shall be allowed to be put in a culvert only if:

1. Placing the stream in a culvert is necessary to provide required vehicular, pedestrian, or utility access to the subject property. Convenience to the applicant in order to facilitate general site design shall not be considered; and
2. The applicant submits a plan prepared by a qualified professional approved by the Planning Official that shows the culvert and implementation techniques that meet the following criteria:
 - a. There will be no adverse impact to water quality;
 - b. There will be no adverse impact to fish, wildlife, and their habitat;
 - c. There will be no increase in the velocity of stream flow, unless approved by the Planning Official to improve fish habitat;
 - d. There will be no decrease in flood storage volumes;
 - e. Neither the installation, existence, nor operation of the culvert will lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
 - f. Neither the installation, existence, nor operation of the culvert will be detrimental to any other property or to the City as a whole.

The culvert shall be designed and constructed to allow passage of fish inhabiting the stream or which may inhabit the stream in the future. The culvert shall be large enough to accommodate a 100-year storm event. The applicant shall at all times keep the culvert free of debris and sediment so as to allow free passage of water and fish. The Planning Official shall require a security or perpetual culvert maintenance agreement under KZC 90.145 for continued maintenance of the culvert.

If a proposal for a culvert is denied, a bridge may be approved if the bridge complies with the above criteria.

If a proposed project requires approval through Process IIB, the City Council may require that any stream in a culvert on the subject property be opened, relocated, and restored, consistent with the provisions of this subsection.

(Ord. 3834 § 1, 2002)

90.120 Stream Rehabilitation

Planning Official approval is required prior to stream rehabilitation. The Planning Official may permit or require the applicant or property owner to restore and maintain a stream and/or its buffer by removing material detrimental to the stream and its surrounding area such as debris, sediment, or vegetation. The Planning Official may also permit or require the applicant to restore a stream or its buffer through the addition of native plants and other habitat features. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Restoration may be required at any time that a condition detrimental to water quality or habitat exists. When stream rehabilitation is required by the City, the mitigation plan and monitoring requirements of KZC 90.55(4), shall apply.

(Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

GENERAL

90.125 Frequently Flooded Areas

No land surface modification may take place and no improvements may be located in a frequently flooded area except as specifically provided for in Chapter 21.56 KMC.

(Ord. 3834 § 1, 2002)

90.130 Site Requirements and Sensitive Areas Protection Techniques

In addition to any other requirements of this chapter, the applicant shall locate all improvements on the subject property to minimize adverse impacts to sensitive areas. In order to minimize adverse impacts to sensitive areas or to other areas not subject to development activity, the decision maker may require construction techniques, conditions, and restrictions, including:

1. The decision maker may limit development activity in or near sensitive areas to specific months and to a maximum number of continuous days or hours in order to minimize adverse impacts.
2. The decision maker may require that equipment be operated from only one (1) side of a stream in order to minimize bank disruption.

3. The applicant shall install a berm, curb, or other physical barrier during construction and following completion of the project when necessary to prevent direct runoff and erosion from any modified land surface into any sensitive area.

(Ord. 3834 § 1, 2002)

90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit or the maximum units per acre as specified by Chapters 15 through 56 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit, the maximum units per acre or as specified by Chapters 15 through 56 KZC, multiplied by the development factor derived from subsection (2) of this section:

MAXIMUM DWELLING UNIT POTENTIAL = (BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT OR MAXIMUM UNITS PER ACRE) + [(BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT OR MAXIMUM UNITS PER ACRE) X (DEVELOPMENT FACTOR)]

For purposes of this subsection only, “buildable area” means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter 112 KZC, or cottage, carriage or two/three-unit homes pursuant to Chapter 113 KZC, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

2. Development Factor – The development factor, consisting of a “percent credit,” to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area buffer is derived from the following table:

Percentage of Site in Sensitive Area Buffer			Counted at
< 1	to	10%	100%
> 10	to	20%	90%
> 20	to	30%	80%
> 30	to	40%	70%
> 40	to	50%	60%
> 50	to	60%	50%
> 60	to	70%	40%
> 70	to	80%	30%
> 80	to	90%	20%
> 90	to	100%	10%

(Ord. 4476 § 3, 2015; Ord. 4252 § 1, 2010; Ord. 4196 § 1, 2009; Ord. 4120 § 1, 2007; Ord. 3938 § 1, 2004; Ord. 3834 § 1, 2002)

90.140 Reasonable Use Exception

1. Purpose of the Reasonable Use Exception – The purpose of the reasonable use exception is to:

- a. Provide the City with a mechanism to approve limited use and disturbance of a sensitive area and sensitive area buffer when strict application of this chapter would deny all economically viable use of the property;
- b. Establish guidelines and standards for the exercise of this authority adjusted to the specific conditions of each site; and
- c. Protect public health, welfare and safety of the citizens of Kirkland.

2. “Reasonable Use” – is a legal concept that has been articulated by federal and state courts in regulatory takings cases. In a takings case, the decision-maker must balance the public benefit against the owner’s interests by considering the nature of the harm the regulation is intended to prevent, the availability and effectiveness of alternative measures, and the economic loss borne by the owner. Public benefit factors include the seriousness of the harm to be prevented, the extent to which the land involved

contributes to the harm, the degree to which the regulation solves the problem, and the feasibility of less oppressive solutions.

3. Reasonable Use Process – If the strict application of this chapter would preclude all reasonable use of a site, an owner of real property may apply for a reasonable use exception to this chapter. The application shall be considered under Process IIA of Chapter 150 KZC; provided, that for a single-family development proposal which does not exceed a total of 3,000 square feet of site disturbance, and does not encroach into the sensitive area, but only the associated buffer, the application shall be considered pursuant to subsection (7) of this section, Reasonable Use Process: Administrative Alternative.

4. Submittal Requirements – As part of the reasonable use request, in addition to submitting an application, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's qualified professional. The report shall include the following:

- a. A determination and delineation of the sensitive area and sensitive area buffer containing all the information specified in KZC 90.40(3) for a wetland or based on the definitions contained in this chapter for a stream;
- b. An analysis of whether any other reasonable use with less impact on the sensitive area and sensitive area buffer is possible;
- c. Sensitive site design and construction staging of the proposal so that the development will have the least practicable impact on the sensitive area and sensitive area buffer;
- d. A description of the area of the site which is within the sensitive area or within the setbacks or buffers required by this chapter;
- e. A description of protective measures that will be undertaken such as siltation curtains, hay bales and other siltation prevention measures, and scheduling the construction activity to avoid interference with wildlife and fisheries rearing, nesting or spawning activities;
- f. An analysis of the impact that the amount of development proposed would have on the sensitive area and the sensitive area buffer;
- g. How the proposal minimizes to the greatest extent possible net loss of sensitive area functions;

The applicant shall pay for a qualified professional to help with the City's determination of the appropriate limit for disturbance;

- d. The proposal is compatible in design, scale and use with other legally established development in the immediate vicinity of the subject property in the same zone and with similar site constraints;
- e. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of sensitive area functions and values;
- f. The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the property;
- g. The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter;
- h. The inability to derive reasonable use is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter or its predecessor; and
- i. The granting of the exception will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.

6. Modifications and Conditions – The City may approve reduction in required yards or buffer setbacks and may allow the maximum height of structures to be increased up to five (5) feet to reduce the impact on the sensitive area and sensitive area buffer. The City shall include in the written decision any conditions and restrictions that the City determines are necessary to eliminate or minimize any undesirable effects of approving the exception.

7. Reasonable Use Process: Administrative Alternative – If, in order to provide reasonable use of a site, the standards of this chapter need to be modified and the proposed improvement does not exceed a total of 3,000 square feet of site impact, including but not limited to structures, paved areas, landscaping, decks, driveways, utility installation, and grading, the Planning Director is authorized to approve a reasonable use exception subject to subsections (4) and (5) of this section and considered under Process I of Chapter 145 KZC. Administrative approval shall also be subject to the following limitations:

- a. The required front yard may be reduced by up to 50 percent where the applicant demonstrates that the development cannot meet the City's code requirements without encroaching into the sensitive area buffer.
- b. The encroachment of the proposed development shall only be into the sensitive area buffer, not the sensitive area.

8. Lapse of Approval

- a. The reasonable use exception approval expires and is void if the applicant fails to file a complete building permit application within one (1) year of the final decision granting or approving the exception, unless the applicant has received an extension for the exception from the decision-maker 30 days prior to expiration. "Final decision" means the final decision of the Planning Director or City Council.
- b. The applicant may apply for a one-time extension of up to one (1) year. The application must be submitted by letter to the Planning Official and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the approval and that circumstances beyond his/her control prevent compliance with the time limit under this section.
- c. The lapse of approval period provided in this section is shorter than the lapse of approval period in KZC 150.135 generally applicable to Process IIA approvals and this shorter period shall control for reasonable use exception approvals.

(Ord. 4072 § 1, 2007)

90.145 Bond or Performance Security

The Planning Official shall require a performance or maintenance bond, a performance or maintenance security, a perpetual culvert maintenance agreement, and/or a perpetual landscape maintenance agreement, as determined to be appropriate by the Planning Official, to ensure compliance with any aspect of this chapter or any decision or determination made pursuant to this chapter.

1. Performance or Maintenance Bond or Security Requirement – The performance or maintenance security required by the Planning Official shall be provided in such forms and amounts as the Planning Official deems necessary to assure that all work or actions are satisfactorily completed or maintained in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to assure that all work or actions not satisfactorily completed or maintained will be

corrected to comply with approved plans, specifications, requirements, and regulations to restore environmental damage or degradation, protect fish and wildlife habitat and protect the health, safety, and general welfare of the public.

2. **Form of Performance Security** – The performance security shall be a surety bond obtained from companies registered as surety in the state or certified as acceptable sureties on federal bonds. In lieu of a surety bond, the Planning Official may allow alternative performance security in the form of an assignment of funds or account, an escrow agreement, an irrevocable letter of credit, or other financial security device in an amount equal to that required for a surety bond. The surety bond or other performance security shall be conditioned on the work being completed or maintained in accordance with requirements, approvals, or permits; on the site being left or maintained in a safe condition; and on the site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development or maintenance activities conducted pursuant to the permit or approval.

3. **Amount of Performance Security** – The amount of the performance or maintenance security shall be 125 percent of the estimated cost, as approved by the Planning Official, of conformance to plans, specifications, and permit or approval requirements under this chapter, including corrective work and compensation, enhancement, mitigation, maintenance, and restoration of sensitive areas. In addition, an administrative deposit shall be paid as required in KZC 175.25. All bond or performance security shall be submitted in their original form with original signatures of authorization.

4. **Administration of Performance Security** – If during the term of the performance or maintenance security, the Planning Official determines that conditions exist which do not conform with plans, specifications, approval or permit requirements, the Planning Official may issue a stop work order prohibiting any additional work or maintenance until the condition is corrected. The Planning Official may revoke the performance or maintenance security, or a portion thereof, in order to correct conditions that are not in conformance with plans, specifications, approval or permit requirements. The performance or maintenance security may be released upon written notification by the Planning Official, following final site inspection or completion, as appropriate, or when the Planning Official is satisfied that the work or activity complies with permits or approved requirements.

5. **Exemptions for Public Agencies** – State agencies and local government bodies, including school districts, shall not be required to secure the performance or maintenance of permit or approval conditions with a surety bond or other financial security device. These public agencies are required to comply with all requirements,

terms, and conditions of the permit or approval, and the Planning Official may enforce compliance by withholding certificates of occupancy or occupancy approval, by administrative enforcement action, or by any other legal means.

(Ord. 3834 § 1, 2002)

90.150 Dedication

Consistent with law, the applicant shall dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers. Land survey information shall be provided by the applicant for this purpose in a format approved by the Planning Official.

(Ord. 3834 § 1, 2002)

90.155 Liability

Prior to issuance of a land surface modification permit or a building permit, whichever is issued first, the applicant shall enter into an agreement with the City that runs with the property, in a form acceptable to the City Attorney, indemnifying the City from any claims, actions, liability and damages to sensitive areas arising out of development activity on the subject property. The applicant shall record this agreement with the King County Department of Elections and Records.

(Ord. 3834 § 1, 2002)

90.160 Appeals

All classifications, decisions, and determinations made pursuant to this chapter may be appealed using, except as stated below, the applicable appeal provisions of Chapter 145 KZC. If a proposed development activity requires approval through Process IIA or IIB (as described in Chapters 150 and 152 KZC, respectively), any appeal of a classification, determination, or decision will be heard as part of that other process.

(Ord. 3834 § 1, 2002)

90.165 Setbacks and Buffers Required by Prior Approvals

If, subsequent to October 2, 1982, the City approved a variance, planned unit development, rezone, or zoning permit through Processes I, II, IIA, or IIB, as described in Chapters 120, 125, 130, 145, 150, and 152 KZC, respectively, and/or a subdivision or short subdivision for the subject property with established setbacks or buffers on the subject property from a stream or wetland, those setbacks or buffers shall apply to the original construction on the subject property. All of the provisions of this chapter which

do not directly conflict with the previously imposed setback or buffer requirements shall fully apply to the subject property.

(Ord. 3834 § 1, 2002)

90.170 Planning/Public Works Official Decisions – Lapse of Approval

Planning or Public Works Official decisions authorized by this chapter shall be subject to the lapse of approval provisions of KZC 145.115.

(Ord. 4072 § 1, 2007)

Chapter 125 – PLANNED UNIT DEVELOPMENT

Sections:

- 125.05 User Guide
- 125.10 Process for Deciding on a PUD Application
- 125.15 Decision on the PUD – Application
- 125.20 Decision on the PUD – What Provisions May Be Modified
- 125.25 Decision on the PUD – Uses in a PUD
- 125.30 Decision on the PUD – Density
- 125.35 Decision on the PUD – Criteria for Approving a PUD
- 125.40 Decision on the PUD – Site Plan Required
- 125.45 Decision on the PUD – Effect of an Approved PUD
- 125.50 Final Site Plan Review – Application
- 125.55 Final Site Plan Review – General
- 125.60 Final Site Plan Review – Minor Modifications
- 125.65 Final Site Plan Review – Major Modifications
- 125.70 Final Site Plan Review – Effect
- 125.75 Map Designations

125.05 User Guide

This chapter establishes a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of this code.

This mechanism, which is called a Planned Unit Development or PUD, is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code.

If you are interested in proposing a Planned Unit Development or if you wish to participate in the City's decision on a proposed PUD, you should read this chapter.

125.10 Process for Deciding on a PUD Application

An application for a PUD has two (2) stages. The first stage is described in KZC 125.15 through 125.45 and results in the City's decision whether or not to grant the PUD. The decision on this stage will be made using Process IIB described in Chapter 152 KZC. During the second stage described in KZC 125.55 through 125.75, the City will review the final site plan of the project to ensure that it is consistent with the PUD as approved. The decision on this stage will be made by the Planning Director, unless the City Council determines, with the approval of the preliminary PUD, that either:

1. There is substantial public interest in the PUD; or
2. Substantial changes in the proposed preliminary PUD are required; or
3. Additional technical information is required prior to approval of the final PUD.

If the City Council determines that one (1) of the above conditions exists, then the final PUD will be reviewed and decided upon using Process IIB, described in Chapter 152 KZC. The applicant may request to have the preliminary and final PUD applications reviewed concurrently. However, the request does not ensure that one (1) or both of the applications will be approved.

125.15 Decision on the PUD – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

125.20 Decision on the PUD – What Provisions May Be Modified

The City may modify any of the provisions of the code for a PUD except:

1. The City may not modify any of the provisions of this chapter; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD; and
3. The City may not modify any of the procedural provisions of this code; and
4. The City may not modify any provision that specifically applies to development on a regulated slope; and
5. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
6. The City may not modify any provision pertaining to the installation of public improvements; and
7. The City may not modify any provision regulating signs; and
8. The City may not modify any provision regulating the construction of one (1) detached dwelling unit.

125.25 Decision on the PUD – Uses in a PUD

1. The City may approve any use that is listed as potentially allowed in the zone in which the PUD is proposed.
2. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property.

125.30 Decision on the PUD – Density

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under subsections (2) and (3) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.

2. If the PUD is designed, developed and maintained as “special needs housing,” additional density may be permitted on the following basis:

a. Housing for senior citizen households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the Comprehensive Plan or, if the development includes affordable housing units approved pursuant to Chapter 112 KZC, the maximum density allowed for the development through Chapter 112 KZC, whichever is greater; provided, that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.

b. Housing for low or moderate income households in low density zones may be permitted a maximum density above the density permitted under subsections (1) and (2)(a) of this section based upon the percentage of dwelling units which are low or moderate income units, using the following multipliers:

Density			
% of Low or Moderate Income Units	=		Multiplier
5 – 9%	=		1.1
10 – 14%	=		1.2
15 – 19%	=		1.3

20 – 24% = 1.4

25% + = 1.5

3. If a project consists of special needs housing, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be recorded in the King County Department of Elections and Records.

4. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract the area actually used for vehicular circulation and surface parking areas that serve more than one (1) dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section.

(Ord. 3938 § 1, 2004; Ord. 3814 § 1, 2001)

125.35 Decision on the PUD – Criteria for Approving a PUD

The City may approve a PUD only if it finds that all of the following requirements are met:

1. The proposed PUD meets the requirements of this chapter.
2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.
3. The applicant is providing one (1) or more of the following benefits to the City as part of the proposed PUD:
 - a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
 - b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.
 - c. The design of the PUD incorporates active or passive solar energy systems.

d. The design of the proposed PUD is superior in one (1) or more of the following ways to the design that would result from development of the subject property without a PUD:

- 1) Increased provision of open space or recreational facilities.
- 2) Superior circulation patterns or location or screening of parking facilities.
- 3) Superior landscaping, buffering, or screening in or around the proposed PUD.
- 4) Superior architectural design, placement, relationship or orientation of structure.
- 5) Minimum use of impervious surfacing materials.

4. Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.).

125.40 Decision on the PUD – Site Plan Required

As part of the approval of the PUD, the City shall incorporate a site plan submitted by the applicant of the PUD showing at a minimum:

1. The topography at 5-foot intervals of the PUD after grading.
2. The structures in the PUD.
3. All relevant dimensions of the PUD, including the outside dimensions and required yards.
4. The pedestrian and vehicular circulation and parking areas in the PUD.
5. The areas of common open space, or areas to be dedicated to the City.
6. The landscaping of the PUD, including the general type, location, and growth characteristics of the vegetation.
7. Any other relevant physical feature in the PUD.

125.45 Decision on the PUD – Effect of an Approved PUD

1. General – Except as specified in subsection (2) of this section, the applicant must comply with KZC 125.50 through 125.70 before commencing any development activities on the subject property.

2. Exception – If the City approves the preliminary PUD, the applicant may, subject to all other applicable codes and ordinances, begin clearing and grading of the site, and any other site work on the subject property that is specifically approved in the resolution or ordinance approving the preliminary PUD.

(Ord. 3814 § 1, 2001)

125.50 Final Site Plan Review – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit the following:

1. A completed application on the form provided by the Planning Department, along with all information listed in that form.
2. A site plan of the PUD as approved by City Council.
3. Any information or material that City Council, by ordinance approving the PUD, indicated is to be submitted as part of the final site plan review.

125.55 Final Site Plan Review – General

The City shall use the final site plan review process for the following two (2) purposes:

1. To check the final site plan submitted under KZC 125.50 to ensure that the PUD conforms in all respects to that which was approved by City Council.
2. To make any decisions or determinations that the City Council, by ordinance approving the PUD, indicated are to be made during the final site plan review. Any decisions or determinations made during this process become part of the approved PUD.

125.60 Final Site Plan Review – Minor Modifications

The City may require or approve a minor modification to the site plan of the PUD as approved by City Council if:

1. The change will not have the effect of reducing landscaped area, or reducing or encroaching into buffering areas or reducing the amount of open space in the PUD; and
2. The change will not have the effect of increasing the residential density of the PUD; and
3. The change will not have the effect of increasing the area devoted to nonresidential uses in the PUD; and

4. The change will not increase the height of any structure above the height allowed in the underlying zone nor change the orientation of structures which would result in reduced view corridors or increase in the perceived bulk and mass of the structure; and
5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

125.65 Final Site Plan Review – Major Modifications

If an applicant seeks a modification to an approved PUD that does not meet all of the requirements of KZC 125.60, he/she may do so by submitting the application material required for approval of a new PUD. The City will process and decide upon this application, using the provisions of this chapter, as if it were an application for a new PUD.

125.70 Final Site Plan Review – Effect

If the City approves the final site plan, the applicant may proceed with the development of the PUD subject to all other applicable codes and ordinances.

125.75 Map Designation

1. General – Upon completion of the PUD as approved, the City shall place the designation “PUD” on the subject property on the Zoning Map.
2. Effect – This PUD designation means that any redevelopment of the subject property must either:
 - a. Comply with the PUD as approved; or
 - b. Comply with all of the requirements for development in the zone in which the subject property is located without a PUD.

Title 22 SUBDIVISIONS

Chapters:

22.04 General Provisions

22.08 Definitions

22.12 Preliminary Plat Procedure

22.16 Final Plat Procedure

22.20 Short Subdivisions

22.24 Innovative or Unusual Plats

22.26 Alteration and Vacation of Plats

22.28 Design Requirements

22.32 Improvements

22.36 Enforcement

Chapter 22.04 GENERAL PROVISIONS

Sections:

- 22.04.010 Applicability—Exemptions.
- 22.04.020 Lot line alterations exempt.
- 22.04.030 Binding site plan approval—Eligible developments.
- 22.04.040 Binding site plan approval—Criteria.
- 22.04.045 Binding site plan approval—Alterations and vacations.
- 22.04.050 Notice of proposed amendment or repeal of title.

22.04.010 Applicability—Exemptions.

The provisions of this title apply to each division, subdivision or short subdivision of land applied for after the effective date of the ordinance codified in this title, except as listed below:

- (a) This title does not apply to cemeteries and other burial plots while used for that purpose.
- (b) This title does not apply to divisions of lands into lots or tracts, each of which is one one-hundred-twenty-eighths of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this subsection which borders on a street or road,

the lot size shall be expanded to include that area which would be bordered by the centerline of a road or street and the side lot lines of the lot running perpendicular to such centerline.

(c) This title does not apply to divisions made by testamentary disposition or by the laws of descent.

(d) This title does not apply to: (1) a transfer of land to the city of Kirkland; or (2) a transfer of land to any public agency for open space, park, public vehicular access, public pedestrian access, utility, or right-of-way purposes; or (3) any conveyance of land for use solely for utility facilities. Exemptions provided by this subsection do not allow the new lot or tract to be later used or conveyed again as an unrestricted legal building site, such as for a commercial or residential building. This exemption does not exempt the remaining lot from other city ordinances, such as nonconformance provisions. (Ord. 3705 § 2 (part), 1999)

22.04.020 Lot line alterations exempt.

(a) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots, or both, which does not create any additional lot, tract, parcel, site or division, is exempt from the provisions of this title unless the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the zoning district in which the property is located as identified on the zoning map.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the planning director, on a form provided by the city, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and Chapter 58.17 RCW (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) of this section and the following requirements:

(1) All requirements of the Zoning Code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.

(2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 KZC, to a street providing access to the lot or parcel.

(3) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the planning director. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.04.030 Binding site plan approval—Eligible developments.

(a) General. The divisions of land described in subsection (b) of this section are exempt from compliance with this title except as specified in Section 22.04.045 if they meet the requirements of Section 22.04.040.

(b) Eligible Developments. The following types of development are subject to the provisions of this section:

- (1) A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed upon the land;
- (2) A division of land into lots or parcels located within industrial, commercial or office zones as defined in the zoning code;
- (3) A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW. (Ord. 4286 § 1 (Att. B)(part), 2011; Ord. 3705 § 2 (part), 1999)

22.04.040 Binding site plan approval—Criteria.

A division of land is a binding site plan under this section if it meets all of the following criteria:

- (a) The division is for the purposes outlined in RCW 58.17.035;
- (b) The city approves the site plan as part of a zoning or building permit;
- (c) The site plan is shown to a scale of one inch equals twenty feet;
- (d) The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;
- (e) The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the city;
- (f) The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;

(g) The planning director verifies that the site plan conforms to the requirements of this section; and

(h) The site plan is recorded in the King County department of elections and records to run with the subject property. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.04.045 Binding site plan approval—Alterations and vacations.

Proposals for alterations and vacations of binding site plans shall be reviewed by the planning director using the criteria in Section 22.04.040. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.04.050 Notice of proposed amendment or repeal of title.

Except as hereinafter provided, proposals to amend or repeal provisions of this title will be set for public hearing before the planning commission. Notice of these hearings will be available fourteen days prior to the planning commission hearing date. Individuals or organizations which so request will be provided notice of the planning commission hearing. (Ord. 3705 § 2 (part), 1999)

Chapter 22.08 DEFINITIONS

Sections:

- 22.08.010 Generally.
- 22.08.020 Applicant.
- 22.08.030 Binding site plan.
- 22.08.040 Block.
- 22.08.050 Bond.
- 22.08.054 Class A streams.
- 22.08.055 Class B streams.
- 22.08.056 Class C streams.
- 22.08.060 Comprehensive plan.
- 22.08.070 County auditor.
- 22.08.080 County treasurer.
- 22.08.090 Dedication.
- 22.08.100 Easement.
- 22.08.110 Final plat.
- 22.08.115 Flag lot.
- 22.08.120 Lot.
- 22.08.150 Owner.
- 22.08.160 Planning official.

22.08.170	Plat.
22.08.180	Preliminary plat.
22.08.190	Primary basins.
22.08.200	Right-of-way.
22.08.203	Secondary basins.
22.08.205	Servient lot.
22.08.210	Short plat.
22.08.220	Short subdivision.
22.08.225	Site.
22.08.230	Standard record of survey.
22.08.240	Street.
22.08.250	Subdivision.
22.08.255	Vehicular-access easement or tract.
22.08.260	Year-around driving surface.

22.08.010 Generally.

The definitions contained in this chapter apply throughout this title, unless, from the context, another meaning is clearly intended. (Ord. 3705 § 2 (part), 1999)

22.08.020 Applicant.

“Applicant” means a person who applies for any approval under this title and who is an owner of the subject property or the authorized agent of the owner. (Ord. 3705 § 2 (part), 1999)

22.08.030 Binding site plan.

“Binding site plan” means a drawing to the scale of one inch equals twenty feet which:

- (a) Is for the purposes outlined in RCW 58.17.035;
 - (b) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
 - (c) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a zoning or building permit approval process; and
 - (d) Contains provisions making any development be in conformity with the site plan.
- (Ord. 4122 § 1 (part), 2008: Ord. 3705 § 2 (part), 1999)

22.08.040 Block.

“Block” means a group of lots, tracts or parcels within defined and fixed boundaries. (Ord. 3705 § 2 (part), 1999)

22.08.050 Bond.

“Bond” means a written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the city has recourse to an identified fund from which to secure performance of specified work. (Ord. 3705 § 2 (part), 1999)

22.08.054 Class A streams.

For “Class A streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act, otherwise see Chapter 90 KZC. (Ord. 4253 § 1 (Att. A) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.08.055 Class B streams.

For “Class B streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act, otherwise see Chapter 90 KZC. (Ord. 4253 § 1 (Att. A) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.08.056 Class C streams.

For “Class C streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act, otherwise see Chapter 90 KZC. (Ord. 4253 § 1 (Att. A) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.08.060 Comprehensive plan.

“Comprehensive plan” means the City of Kirkland Comprehensive Plan, as amended, or if repealed, its successor document; the Shoreline Master Program as adopted by the city pursuant to Chapter 90.58 RCW; and any other documents adopted under the authority of Chapters 35A.63 and 36.70A RCW. (Ord. 3705 § 2 (part), 1999)

22.08.070 County auditor.

“County auditor” means as defined in Chapter 36.22 RCW, or the office or person assigned such duties under a county charter. (Ord. 3705 § 2 (part), 1999)

22.08.080 County treasurer.

“County treasurer” means as defined in Chapter 36.29 RCW, or the office or person assigned such duties under a county charter. (Ord. 3705 § 2 (part), 1999)

22.08.090 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication shall be evidenced by the filing or recording with the King County auditor of a document of conveyance or a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the written approval of such plat or conveyance for filing by the appropriate governmental unit. (Ord. 3705 § 2 (part), 1999)

22.08.100 Easement.

“Easement” means land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property. (Ord. 3705 § 2 (part), 1999)

22.08.110 Final plat.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and in this title. (Ord. 3705 § 2 (part), 1999)

22.08.115 Flag lot.

“Flag lot” means a lot which has a very narrow frontage along the right-of-way in order to accommodate the driveway which accesses the wider, buildable portion of the lot. (Ord. 3705 § 2 (part), 1999)

22.08.120 Lot.

“Lot” means a fractional part of subdivided lands having fixed boundaries and having sufficient area and dimension to meet minimum requirements for width and area. The term shall include tracts or parcels. (Ord. 3705 § 2 (part), 1999)

22.08.150 Owner.

“Owner” means all persons, partnerships, corporations and other entities that have an ownership interest (including purchasers and sellers under a real estate contract) in the subject property. (Ord. 3705 § 2 (part), 1999)

22.08.160 Planning official.

“Planning official” means the director of the department of planning and community development or his/her designee. (Ord. 3705 § 2 (part), 1999)

22.08.170 Plat.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications. (Ord. 3705 § 2 (part), 1999)

22.08.180 Preliminary plat.

“Preliminary plat” means a drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision. (Ord. 3705 § 2 (part), 1999)

22.08.190 Primary basins.

“Primary basins” means the watersheds associated with the following seven creeks: (1) Juanita Creek, (2) Forbes Creek, (3) Cochran Springs Creek, (4) Yarrow Creek, (5) Carillon Creek, (6) Denny Creek, and (7) Champagne Creek as shown in the Kirkland sensitive areas maps. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.08.200 Right-of-way.

“Right-of-way” means land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondly, the land provides space for utility lines and appurtenances and similar components. (Ord. 3705 § 2 (part), 1999)

22.08.203 Secondary basins.

“Secondary basins” means the Moss Bay Basin, Houghton Basin, Kirkland Slope Basin, Holmes Point Basin, and Kingsgate Slope Basin which are also depicted as the urban drainage basins on the Kirkland sensitive areas maps. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.08.205 Servient lot.

“Servient lot” means any lot which has the burden of providing an access easement for use by other lots. (Ord. 3705 § 2 (part), 1999)

22.08.210 Short plat.

“Short plat” means the map or representation of a short subdivision. (Ord. 3705 § 2 (part), 1999)

22.08.220 Short subdivision.

“Short subdivision” means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership;

provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of environmentally sensitive areas, shall not be considered a lot, tract, parcel, site or division. (Ord. 3705 § 2 (part), 1999)

22.08.225 Site.

“Site” means a lot or combination of lots improved with a single residence, structure, or similar use. (Ord. 3705 § 2 (part), 1999)

22.08.230 Standard record of survey.

“Standard record of survey” means a record of survey form approved and provided by the city. (Ord. 3705 § 2 (part), 1999)

22.08.240 Street.

“Street” means a public right-of-way. (Ord. 3705 § 2 (part), 1999)

22.08.250 Subdivision.

“Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership; provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of environmentally sensitive areas, shall not be considered a lot, tract, parcel, site or division. (Ord. 3705 § 2 (part), 1999)

22.08.255 Vehicular-access easement or tract.

“Vehicular-access easement or tract” means a privately owned right-of-way. (Ord. 3705 § 2 (part), 1999)

22.08.260 Year-around driving surface.

“Year-around driving surface” means a minimum of two inches of asphalt concrete pavement atop a properly prepared base and sub-base. If a study of the driving surface usage dictates, the department of public works may require this standard to be increased. (Ord. 3705 § 2 (part), 1999)

Chapter 22.12

PRELIMINARY PLAT PROCEDURE

Sections:

22.12.005 Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed—Violations—Penalties.

- 22.12.010 Purpose.
- 22.12.015 Applicable process.
- 22.12.020 Application—Contents.
- 22.12.040 Application—Distribution.
- 22.12.070 Notice of application—Distribution.
- 22.12.100 *Repealed.*
- 22.12.110 *Repealed.*
- 22.12.120 *Repealed.*
- 22.12.130 *Repealed.*
- 22.12.140 *Repealed.*
- 22.12.230 Hearing examiner's decision—Decisional criteria.
- 22.12.370 *Repealed.*
- 22.12.390 Time limits for preliminary plat.
- 22.12.410 Effect of preliminary plat approval—Generally.
- 22.12.420 Effect of preliminary plat approval—Construction of certain improvements.

22.12.005 Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed—Violations—Penalties.

(a) Whenever any parcel of land is divided into ten or more lots, tracts, or parcels of land and any person, firm or corporation, or any agent of any of them, sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, in addition to the authority of the county prosecuting attorney set forth in RCW 58.17.200, the city attorney shall have concurrent authority to commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property.

(b) Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense. (Ord. 3705 § 2 (part), 1999)

22.12.010 Purpose.

(a) The provisions of this chapter describe the procedure that the city will use to review and decide upon proposed subdivisions. Please refer to Chapters 22.28 and 22.32 for

the substantive requirements that apply to subdivisions. For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

(b) Alterations and vacations of subdivisions shall follow the procedural requirements outlined in Chapter 22.26 of this code. (Ord. 4253 § 1 (Att. A) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.12.015 Applicable process.

Except as otherwise provided in this chapter, the city will use process IIA described in Chapter 150 KZC to review and decide upon proposed subdivisions. (Ord. 3705 § 2 (part), 1999)

22.12.020 Application—Contents.

The applicant may apply for a subdivision by submitting information to the planning department on the forms provided by that department. The planning department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) The requirements of state law regarding subdivisions;
- (b) The filing fee as established by ordinance;
- (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it;
- (d) Any additional pertinent information necessary for adequate review of the application. (Ord. 4122 § 1 (part), 2008: Ord. 3705 § 2 (part), 1999)

22.12.040 Application—Distribution.

Upon receipt of a preliminary subdivision application, the planning official shall, in addition to all interested city departments, send a copy of the application to the authorities and agencies reviewing or furnishing water service and sanitary sewer service to the proposed subdivision. (Ord. 3705 § 2 (part), 1999)

22.12.070 Notice of application—Distribution.

In addition to those parties identified in KZC 150.30(2), notice of preliminary plat application shall be provided to the following:

- (a) A copy will be sent to appropriate city or county officials if the proposed subdivision adjoins the boundaries of the city.

(b) A copy will be sent to the State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of a state highway. (Ord. 3705 § 2 (part), 1999)

22.12.100 Staff report—Distribution to Houghton community council.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.110 Houghton community council hearing—When.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.120 Houghton community council hearing—Notice.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.130 Houghton community council hearing—Recommendation.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.140 Houghton community council hearing—Electronic sound recording.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.230 Hearing examiner's decision—Decisional criteria.

In addition to the decisional criteria identified in KZC 150.65(3), the hearing examiner may approve the proposed plat only if he/she finds that:

(a) There is adequate provision for open spaces, drainageways, rights-of-way, easements, water supply, sanitary waste, power service, parks, playgrounds and schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The hearing examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

22.12.370 Preliminary plat approval within Houghton community council jurisdiction.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.12.390 Time limits for preliminary plat.

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety calendar days following the date of filing of a complete application thereof as defined in

Title 20, this title, and Chapter 150 KZC unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. (Ord. 3705 § 2 (part), 1999)

22.12.410 Effect of preliminary plat approval—Generally.

The approval of a preliminary plat by the hearing examiner or by the city council constitutes approval of the general concept and layout of the plat as approved. Preliminary plat approval does not signify acceptance of all engineering details of the plat. These engineering details remain subject to approval by the public works department. (Ord. 3705 § 2 (part), 1999)

22.12.420 Effect of preliminary plat approval—Construction of certain improvements.

Once engineering details and specific designs have been approved by the public works department, the owner may obtain necessary permits and construct right-of-way, easement and utility improvements approved in the preliminary plat. (Ord. 3705 § 2 (part), 1999)

Chapter 22.16 FINAL PLAT PROCEDURE

Sections:

- 22.16.010 Final plat—Submittal—Time limits.
- 22.16.030 Final plat—Contents.
- 22.16.040 *Repealed.*
- 22.16.050 Administrative review of final plats.
- 22.16.060 City council action.
- 22.16.070 City council action—Challenges.
- 22.16.080 City council action—Criteria.
- 22.16.090 Minor deviations from preliminary plat.
- 22.16.100 Final plat approval within Houghton community council jurisdiction.
- 22.16.110 Judicial review of city council action.
- 22.16.120 Plat documents—Signed by city clerk.
- 22.16.130 Plat documents—Recordation with county—When.
- 22.16.140 Plat documents—Dedication.
- 22.16.150 Plat documents—Completion of improvements required before signing.

22.16.010 Final plat—Submittal—Time limits.

A final plat shall be submitted to the city council within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any final plat not submitted within the time limits set forth in RCW 58.17.140 shall be void. (Ord. 4372 § 2 (Att. B) (part), 2012)

22.16.030 Final plat—Contents.

The applicant shall submit a final plat containing the information specified by the planning department. The planning department is hereby authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

- (a) The requirements of state law regarding subdivisions;
- (b) The filing fee as established by ordinance;
- (c) Any additional pertinent information necessary for adequate review of the application. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.16.040 Final plat—Additional information.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.16.050 Administrative review of final plats.

Upon receipt of a final plat and all required information, it shall be reviewed by the planning director. The planning director shall prepare a report, including an appropriate recommendation and resolution to the city council. This report and the final plat shall be transmitted to the city council. (Ord. 3705 § 2 (part), 1999)

22.16.060 City council action.

The city council shall consider the final plat at one or more public meetings. (Ord. 3705 § 2 (part), 1999)

22.16.070 City council action—Challenges.

Any person who disagrees with the report of the planning director may file a written challenge to the city council by delivering it to the city clerk not later than the close of business of the evening the city council first considers the final plat. (Ord. 3705 § 2 (part), 1999)

22.16.080 City council action—Criteria.

The city council shall consider the final plat, the planning director's report and any challenges received. The city council shall, by majority vote of the entire membership, pass a resolution approving the final plat if the final plat:

- (a) Except for minor modifications under Section 22.16.090, is consistent with the approved preliminary plat; and
- (b) Is consistent with the provisions of this title and Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

22.16.090 Minor deviations from preliminary plat.

- (a) The city council may approve a final plat that is different from the preliminary plat if the change:
 - (1) Does not increase the number of lots; and
 - (2) Does not decrease any lot size by more than ten percent; and
 - (3) Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and
 - (4) Does not significantly alter the subdivision.
- (b) Final plats with changes that do not meet the criteria for minor deviations must be processed as new preliminary plats. (Ord. 3705 § 2 (part), 1999)

22.16.100 Final plat approval within Houghton community council jurisdiction.

If the city council approves a final plat within the jurisdiction of the Houghton community council, that approval is not effective until:

- (a) A majority of the entire membership of the Houghton community council votes by resolution to approve it; or
- (b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution granting the plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)

22.16.110 Judicial review of city council action.

The action of the city in granting or denying a final plat may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in King County Superior Court. The land use petition must be filed within twenty-one calendar days of the issuance of the final land

use decision by the city on the final plat. The date of the final decision of the city is the date of passage of the city council ordinance or resolution constituting the city's final decision, unless such city council decision is subject to the disapproval jurisdiction of the Houghton community council, in which case the petition for judicial review must be filed within twenty-one calendar days of the date of approval or disapproval action of the Houghton community council. (Ord. 3705 § 2 (part), 1999)

22.16.120 Plat documents—Signed by city clerk.

Following approval of a final plat by the city council and subject to Section 22.16.100, the city clerk shall sign the plat signifying approval by the city. (Ord. 3705 § 2 (part), 1999)

22.16.130 Plat documents—Recordation with county—When.

After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 3705 § 2 (part), 1999)

22.16.140 Plat documents—Dedication.

The city's written approval on the plat documents constitutes acceptance of all dedications shown on the plat. (Ord. 3705 § 2 (part), 1999)

22.16.150 Plat documents—Completion of improvements required before signing.

The owner shall complete, or bond under Sections 22.32.070 and 22.32.080, all required right-of-way, easement, utility and other similar improvements before the city will sign the plat documents. (Ord. 3705 § 2 (part), 1999)

Chapter 22.20 SHORT SUBDIVISIONS

Sections:

- 22.20.010 Purpose.
- 22.20.015 Applicable process.
- 22.20.020 Further division.
- 22.20.025 Minor modifications.
- 22.20.030 Proposal requiring approval through process IIA, IIB or III.

- 22.20.035 Injunctive action to restrain subdivision, sale, transfer of land where short plat not filed—Violations—Penalties.
- 22.20.040 Application—Time limit.
- 22.20.050 Application—Contents.
- 22.20.070 Application—Distribution—Water and sewer service.
- 22.20.140 Planning director's decision—Criteria.
- 22.20.170 Planning director's decision—Dedication of land or easements.
- 22.20.245 Appeal to city council—When.
- 22.20.270 Staff report on appeal—Distribution.
- 22.20.340 Public hearing—Decision—Final.
- 22.20.355 Short plat approval.
- 22.20.360 Short plat documents—Signing.
- 22.20.362 Short plat documents—Certification.
- 22.20.364 Short plat documents—Filing materials.
- 22.20.366 Short plat documents—Monumentation.
- 22.20.370 Short plat documents—Recordation—Time limit.
- 22.20.380 Short plat documents—Recordation—Dedications and restrictions.
- 22.20.390 Short plat documents—Recordation—Improvements.
- 22.20.400 Approval not in effect until appeal time has expired.

22.20.010 Purpose.

The provisions of this chapter describe the procedure that the city will use to review and decide upon proposed short subdivision. Please refer to Chapters 22.28 and 22.32 for the substantive requirements that apply to short subdivisions. For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC. (Ord. 4253 § 1 (Att. A) (part), 2010; Ord. 3705 § 2 (part), 1999)

22.20.015 Applicable process.

Except as otherwise provided in the chapter, the city will use process I described in Chapter 145 KZC to review and decide upon a proposed short subdivision. (Ord. 3705 § 2 (part), 1999)

22.20.020 Further division.

A lot that is created by a short subdivision shall not be further divided by short subdivision for a period of five years; except, that when the short plat contains fewer than nine lots, nothing in this section shall prevent the owner, who filed the short plat, from filing an alteration within the five-year period to create up to a total of nine lots, within the original short plat boundaries. Any further divisions within said five-year period

must be processed under the provisions of Chapters 22.12 and 22.16. (Ord. 3705 § 2 (part), 1999)

22.20.025 Minor modifications.

(a) Modifications to short subdivisions after approval shall require a new short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:

- (1) The modification complies with all of the requirements of this chapter; and
- (2) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and
- (3) The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and
- (4) The modification will not increase the number of lots; and
- (5) The modification will not significantly alter any condition of approval.

The consideration of the minor modification shall be made upon written request to the planning department. The planning director's decision will be the final decision of the city.

(b) If a minor modification is approved after recording, the revised mylar shall meet the standards specified in WAC 332-130-050 regarding survey maps. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.20.030 Proposal requiring approval through process IIA, IIB or III.

If a proposed short subdivision is part of a proposal or development that also requires approval through Chapters 150, 152 or 155 KZC, the entire proposal will be decided upon using that other process. (Ord. 3705 § 2 (part), 1999)

22.20.035 Injunctive action to restrain subdivision, sale, transfer of land where short plat not filed—Violations—Penalties.

(a) Whenever any parcel of land is divided into nine or fewer lots, tracts, or parcels of land and any person, firm or corporation, or any agent of any of them, sells or transfers any such lot, tract, or parcel without having a short plat of such subdivision filed for record, the city attorney shall commence an action to restrain and enjoin further subdivisions, sales or transfers and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property.

(b) Any person, firm, corporation or association, or any agent of any person, firm, corporation or association, who violates any provision of this chapter relating to the sale or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and each sale or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense. (Ord. 3705 § 2 (part), 1999)

22.20.040 Application—Time limit.

Short plats shall be approved, disapproved or returned to the owner within thirty calendar days from the date of filing of a complete application as defined in Title 20, this title, and Chapter 145 KZC unless the owner consents in writing to an extension of such time period. (Ord. 3705 § 2 (part), 1999)

22.20.050 Application—Contents.

The applicant may apply for a short subdivision by submitting information to the planning department on the forms provided by that department. The planning department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) The requirements of state law regarding short plats;
- (b) The filing fee as established by ordinance;
- (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it;
- (d) Any additional pertinent information necessary for adequate review of the application. (Ord. 4122 § 1 (part), 2008: Ord. 4011 § 1, 2005: Ord. 3705 § 2 (part), 1999)

22.20.070 Application—Distribution—Water and sewer service.

Upon receipt of a short plat application, the planning official shall, in addition to all interested city departments, send a copy of the application to the authorities and agencies reviewing or furnishing water service and sanitary sewer service to the proposed short plat. (Ord. 3705 § 2 (part), 1999)

22.20.140 Planning director's decision—Criteria.

In addition to the decisional criteria identified in KZC 145.45(2), the planning director may approve the short subdivision only if:

(a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds and schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

22.20.170 Planning director's decision—Dedication of land or easements.

The planning director may require dedication of land or easements for right-of-way, utility or other public purposes. (Ord. 3705 § 2 (part), 1999)

22.20.245 Appeal to city council—When.

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed for future connection) or the opening of an existing but previously unopened right-of-way; or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in KZC 145.60 through 145.110 will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.20.270 Staff report on appeal—Distribution.

In the event of an appeal to the city council as provided for in Section 22.20.245, the planning official shall distribute copies of the staff report as follows: to the city council prior to the hearing. (Ord. 3705 § 2 (part), 1999)

22.20.340 Public hearing—Decision—Final.

The decision by the hearing examiner is the final decision of the city. If the hearing examiner affirms the approval of the proposed short plat, the hearing examiner shall sign the short plat documents on behalf of the city. (Ord. 3705 § 2 (part), 1999)

22.20.355 Short plat approval.

Short plats shall be approved, disapproved or returned to the owner within thirty calendar days following the date of filing of a complete application unless the time frame for processing the short plat is extended pursuant to Chapter 20.12. (Ord. 3705 § 2 (part), 1999)

22.20.360 Short plat documents—Signing.

Following approval of a short plat and after the applicant has made any changes to the short plat documents as a result of any conditions, restrictions or modifications in the decision, and either installed or otherwise guaranteed the installation of required improvements, the planning director shall sign the short plat documents; provided, however, the planning director shall not sign the short plat documents until said documents have been signed and acknowledged by all persons and on behalf of all entities holding an ownership interest in the land subdivided, and the applicant has completed all requirements of this section through Section 22.20.370. (Ord. 3705 § 2 (part), 1999)

22.20.362 Short plat documents—Certification.

Along with the short plat documents submitted for filing, the applicant shall submit:

- (a) A title company certification which is not more than thirty calendar days old containing:
 - (1) A legal description of the total parcel sought to be subdivided; and
 - (2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and
 - (3) Any easements or restrictions affecting the property with a description, purpose, and reference by auditor's file number and/or recording number; and
 - (4) Any encumbrances on the property; and
 - (5) Any delinquent taxes or assessments on the property.

If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required.

- (b) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected, and accepted by such department or agency, or in the alternative, surety bond or other

performance guaranty has been deposited with the city in accordance with Sections 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)

22.20.364 Short plat documents—Filing materials.

The short plat should be filed on a standard record of survey document as provided by the city. The document shall show appropriate signatures, restrictions, easements, and dedications. (Ord. 3705 § 2 (part), 1999)

22.20.366 Short plat documents—Monumentation.

(a) The exterior boundary of the short plat shall be set by a registered land surveyor on the applicant's property, before the planning director signs the short plat document.

(b) All interior lot corners of the short plat shall be set by a registered land surveyor on the applicant's property before the planning director signs the short plat document if all required short subdivision improvements have been installed and completed at the time the short plat document is submitted to the planning director for signature.

(c) If the applicant provides the city a bond providing for and securing the actual construction and installation of the short subdivision improvements as provided in this chapter prior to the signing of the short plat document by the planning director, all interior lot corners of the short plat shall be set by a registered land surveyor on the applicant's property on a temporary basis prior to the planning director signing the short plat document; the setting of interior lot corners by a registered land surveyor on a permanent basis shall be included in the bond and shall be performed during the construction and installation of the short subdivision improvements. (Ord. 3705 § 2 (part), 1999)

22.20.370 Short plat documents—Recordation—Time limit.

After the short plat documents are signed, they will be transmitted to the city clerk's office for recording with the applicable office in King County. For short plats approved on or before December 31, 2014, the short plat must be recorded with King County within seven years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat. For short plats approved on or after January 1, 2015, the short plat must be recorded with King County within five years of the date of approval or the decision becomes void; provided, however, that, in the event judicial review is initiated, the running of the five years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 3705 § 2 (part), 1999)

22.20.380 Short plat documents—Recordation—Dedications and restrictions.

All dedications and restrictions required or approved by the decision shall be clearly shown and described on the short plat documents recorded under this chapter. The planning director's signature on the recorded short plat documents constitutes acceptance by the city of all dedications shown on the short plat. (Ord. 3705 § 2 (part), 1999)

22.20.390 Short plat documents—Recordation—Improvements.

(a) Prior to submitting short plat documents for approval, all corners must be set in the ground pursuant to the requirements of Section 22.20.366, Short plat documents—Monumentation.

(b) The owner must complete or bond under Sections 22.32.070 and 22.32.080 all required right-of-way, private roadway easement, utility and other similar improvements before the planning director will sign the short plat documents. (Ord. 3705 § 2 (part), 1999)

22.20.400 Approval not in effect until appeal time has expired.

The planning director will not sign the short plat documents and the applicant may not engage in any activity based on the decision approving the short plat until the time to appeal has expired. If the decision is appealed, the planning director will not sign the short plat documents and the applicant may not engage in any activity based on the decision until the city issues a final decision on the matter. The date of the final decision of the city on the appeal shall be considered the "date of approval" pursuant to Section 22.20.360. (Ord. 3705 § 2 (part), 1999)

Chapter 22.24 INNOVATIVE OR UNUSUAL PLATS

Sections:

- 22.24.010 Purpose.
- 22.24.020 Procedure.
- 22.24.030 Approval of modifications—Circumstances.
- 22.24.040 Approval of modifications—Specific criteria.
- 22.24.050 Modification reflected on plat or short plat.

22.24.010 Purpose.

The provisions of this chapter establish a mechanism whereby an applicant may propose and the city may consider and approve an innovative or unusual plat or short plat that does not conform to the specific provisions of Chapters 22.28 and 22.32 of this

title; except, that modifications to the provisions of Sections 22.28.030 and 22.28.040 cannot be made under this chapter. (Ord. 3705 § 2 (part), 1999)

22.24.020 Procedure.

Request for modifications under this chapter will be processed and decided upon as part of normal plat or short plat approval process. The notice of the proposed plat or short plat must include specific references to the provisions that the applicant proposes to modify. (Ord. 3705 § 2 (part), 1999)

22.24.030 Approval of modifications—Circumstances.

The city may approve a proposed modification for a plat or short plat under this chapter in any of the following circumstances:

- (a) If the land in the proposed plat or short plat is the subject property of a development that has been approved by city council under a Zoning Code permit;
- (b) If the size, shape, topography or surroundings of the property are unique;
- (c) If the applicant is proposing an innovative development proposal. (Ord. 3705 § 2 (part), 1999)

22.24.040 Approval of modifications—Specific criteria.

The city may approve a proposed modification under this chapter only if it finds that all of the following criteria are met:

- (a) The requirements of Sections 22.12.230 or 22.20.140 of this title are met;
- (b) The proposed modification will result in a plat or short plat that is at least as beneficial to the community as would be a plat or short plat which complies with all of the requirements of Chapters 22.28 and 22.32 of this title;
- (c) Any undesirable effects of the plat or short plat with the proposed modification are clearly outweighed by benefits to the public of the proposed modification. (Ord. 3705 § 2 (part), 1999)

22.24.050 Modification reflected on plat or short plat.

If a modification is granted under this chapter, the recorded plat or short plat must clearly reflect that each lot in the plat or short plat must be used, developed or maintained consistent with the entire approved plat. Any proposed change to the use, development or existence of any of the lots or tracts in the plat or short plat will not be approved

unless the entire plat or short plat is subject to city review and modification. (Ord. 3705 § 2 (part), 1999)

Chapter 22.26 ALTERATION AND VACATION OF PLATS

Sections:

- 22.26.010 Applicability.
- 22.26.020 Alteration—Procedures.
- 22.26.030 Vacation—Procedures.
- 22.26.040 Scope.
- 22.26.050 Application—Contents.
- 22.26.190 Hearing examiner's decision—Conditions and restrictions.
- 22.26.450 Time limitations—Extensions.
- 22.26.460 *Repealed.*
- 22.26.470 *Repealed.*
- 22.26.480 Documents—Filing.
- 22.26.500 Houghton community council hearing.
- 22.26.530 Hearing examiner's recommendation—Conditions and restrictions.
- 22.26.670 Vacations—Time limits.
- 22.26.680 *Repealed.*
- 22.26.690 *Repealed.*
- 22.26.700 Vacation documents—Filing.

22.26.010 Applicability.

The provisions of this chapter describe the procedure that the city will use to review and decide upon a proposed alteration of vacation or a plat. (Ord. 3705 § 2 (part), 1999)

22.26.020 Alteration—Procedures.

When any person is interested in the alteration of any plat or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the planning department. The application for the alteration shall be reviewed using Sections 22.26.040 through 22.26.480 of this chapter and process IIA described in Chapter 150 KZC, except as otherwise provided in this chapter. (Ord. 3705 § 2 (part), 1999)

22.26.030 Vacation—Procedures.

(a) Whenever any person is interested in the vacation of any plat or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the planning department. The application for the vacation shall be

reviewed using Sections 22.26.040 and 22.26.050 and 22.26.500 through 22.26.700 of this chapter, and process IIB described in Chapter 152 KZC, except as otherwise provided in this chapter.

(b) When the vacation application is specifically for a city street, the procedures for road vacation or street vacation found in Chapters 35.79 or 36.87 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat, together with the roads and/or streets, the procedure for vacation described in this chapter shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130. (Ord. 3705 § 2 (part), 1999)

22.26.040 Scope.

The planning official may limit the scope or portion of the plat for which a new plat alteration or vacation document is required to be recorded. This may be limited to that portion that is to be altered or vacated and any related matters. (Ord. 3705 § 2 (part), 1999)

22.26.050 Application—Contents.

The applicant may apply for an alteration or vacation of a plat by submitting information to the planning department on the forms provided by that department. The planning department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) The requirements of state law regarding plat alterations and vacations;
- (b) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;
- (c) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall

contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

(d) The filing fee as established by ordinance;

(e) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it;

(f) Any additional pertinent information necessary for adequate review of the application. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.26.190 Hearing examiner's decision—Conditions and restrictions.

(a) If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied on the lots resulting from the alteration.

(b) If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. (Ord. 3705 § 2 (part), 1999)

22.26.450 Time limitations—Extensions.

(a) General. The owner must submit the approved plat alteration to the planning department, meeting the requirements of this chapter and the plat alteration approval within one year following the date the plat alteration was approved or the plat alteration approval becomes void.

(b) Extension. The owner may file a request to extend the plat alteration approval for up to one year. The request must be delivered in writing to the planning department at least thirty calendar days prior to the expiration of the one-year period. The planning official will grant the extension upon a showing that the applicant has attempted in good faith to submit the plat alteration within the one-year period. If the plat alteration has not been submitted to the planning department within any extended period, it becomes void. (Ord. 3705 § 2 (part), 1999)

22.26.460 Documents—Contents.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.26.470 Documents—Accompanying information.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.26.480 Documents—Filing.

- (a) General. Following approval of a plat alteration by the hearing examiner, the hearing examiner shall sign the plat alteration document signifying approval by the city; provided, if the plat alteration is approved by the city council on appeal, the city clerk shall sign the plat alteration document signifying approval by the city.
- (b) Recording—Time Limits. After the plat alteration documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in the county. Unless specifically extended in the decision on the plat, the plat alteration must be recorded with the county within one hundred twenty calendar days following the date of approval or the decision becomes void.
- (c) Dedication. The signature of the city clerk on the plat alteration documents constitutes acceptances of all dedications shown on the plat (see Section 22.16.030 for the requirements as to property owner signatures on dedications).
- (d) Improvements. The owner shall complete or bond under Sections 22.32.070 through 22.32.080 of this title all required right-of-way, easement, utility and other similar improvements before the mayor will sign the plat alteration documents. (Ord. 3705 § 2 (part), 1999)

22.26.500 Houghton community council hearing.

- (a) General. If the plat vacation application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to, or concurrently with, the hearing by the hearing examiner on the matter.
- (b) Distribution to Houghton Community Council. If the Houghton community council holds a joint hearing on the matter, the planning official shall, prior to the hearing, distribute a copy of the staff report to each member of the community council.
- (c) Recommendation. Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the city council. (Ord. 3705 § 2 (part), 1999)

22.26.530 Hearing examiner's recommendation—Conditions and restrictions.

The hearing examiner shall include in the written recommendation any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application for a vacation of all or a portion of a plat.

If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the hearing examiner and city council set forth findings that the public use would not be served in retaining the title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the hearing examiner and city council have found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city. When the road or street that is to be vacated is contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision. (Ord. 3705 § 2 (part), 1999)

22.26.670 Vacations—Time limits.

(a) General. The owner must submit a plat vacation document to the planning department, meeting the requirements of this chapter and the conditions of approval within one year following the date the plat vacation was approved or the plat vacation approval becomes void.

(b) Extension. The owner may file a request to extend the plat vacation approval for up to one year. The request must be delivered in writing to the planning department at least thirty calendar days prior to expiration of the one-year period. The planning director will grant it upon a showing that the applicant has attempted in good faith to submit the plat vacation mylar within the one-year period. If the plat vacation has not been submitted to the planning department within any extended period, it becomes void. (Ord. 3705 § 2 (part), 1999)

22.26.680 Vacation documents—Contents.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.26.690 Vacation documents—Accompanying information.

Repealed by Ord. 4122. (Ord. 3705 § 2 (part), 1999)

22.26.700 Vacation documents—Filing.

(a) General. Following approval of a plat vacation by city council, the city clerk shall sign the plat vacation document by signifying approval by the city.

(b) Recording—Time Limits. After the plat vacation documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in the county. Unless specifically extended in the decision on the plat, the plat vacation must be recorded with the county within one hundred twenty calendar days following the date of approval or the decision becomes void.

(c) Dedication. The signature of the city clerk on the plat vacation documents constitutes acceptance of all dedications shown on the plat (see Section 22.26.050(f) for the requirements as to property owner signatures on dedication).

(d) Improvements. The owner shall complete or bond, under Sections 22.32.070 through 22.32.080 of this title, all required right-of-way, easement, utility, and other similar improvements before the mayor will sign the plat vacation documents. (Ord. 3705 § 2 (part), 1999)

Chapter 22.28

DESIGN REQUIREMENTS

Sections:

- 22.28.010 Applicability.
- 22.28.020 Provision for public and semipublic lands.
- 22.28.030 Lots—Size.
- 22.28.040 Lots—Lot averaging.
- 22.28.041 Lots—Low impact development.
- 22.28.042 Lots—Small lot single-family.
- 22.28.048 Lots—Historic preservation.
- 22.28.050 Lots—Dimensions.
- 22.28.060 General layout.
- 22.28.070 Blocks—Maximum length.
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- 22.28.110 Access—Vehicular-access easement or tract.
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- 22.28.150 Vehicular-access easement or tract—Engineering standards for vehicular access.
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- 22.28.170 Access—Walkways.
- 22.28.180 Preservation of natural features—Compliance with Zoning Code.

22.28.190 Preservation of natural features—Land adjacent to Lake Washington.

22.28.200 Preservation of natural features—Land adjacent to streams, lakes or wetlands.

22.28.210 Preservation of natural features—Significant vegetation.

22.28.220 Preservation of natural features—Easements.

22.28.010 Applicability.

The provisions of this chapter apply to each plat and short plat within the city. For the purposes of this chapter, the terms “subdivision” and “plat” also mean “short subdivision” and “short plat.” (Ord. 3705 § 2 (part), 1999)

22.28.020 Provision for public and semipublic lands.

The city may require the applicant to make land available, by dedication, for school sites, parks and open space, rights-of-way, utilities infrastructure, or other public or semipublic uses of land if this is reasonably necessary as a result of the subdivision. (Ord. 3705 § 2 (part), 1999)

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and

- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision may be approved if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

22.28.040 Lots—Lot averaging.

In multiple lot subdivisions not located in an RSA or PLA 3C zone and not subject to Section 22.28.030, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zoning district in which the property is located as identified on the zoning map. Under this provision, either:

- (a) Not more than twenty percent of the number of lots in a subdivision and one of the lots in a short plat may contain an area less than the prescribed minimum for this zoning district. In no case shall any lots be created which contain an area more than ten percent less than the prescribed minimum for this zoning district; or
- (b) Up to seventy-five percent of the number of lots in a subdivision or short plat may contain an area less than the prescribed minimum for this zoning district if the lots which would be created contain an area no more than five percent less than prescribed.

These smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way.

Using process IIA, Chapter 150 KZC, and the applicable sections of Chapter 22.12 or 22.20 of this title, additional lot averaging may be achieved. Through process IIA, not more than thirty percent of the number of lots in a subdivision, and two of the lots in a

short plat, may contain an area less than the prescribed minimum for this zoning district as long as the average lot area is not less than the minimum lot area required for the zoning district in which the property is located as identified on the zoning map. In no case shall any lots be created through this process which contain an area more than fifteen percent less than the prescribed minimum for this zoning district. The smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way. In addition, the plat or short plat must meet the following criteria:

- (1) The averaging is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on that subject property; and
- (2) The averaging will not be materially detrimental to the property or improvements in the area of the subject property or to the city in part or as a whole; and
- (3) Existing significant trees and vegetation will be preserved where feasible to buffer the adjacent properties from the smaller lots in the subject subdivision.

Additional lot averaging may only be addressed and obtained through the provisions of Chapter 125 KZC, Planned Unit Development, and the applicable sections of Chapter 22.12 or 22.20 of this title. (Ord. 4332 § 1(B) (Exh. B), 2011: Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 4011 § 2, 2005: Ord. 3705 § 2 (part), 1999)

22.28.041 Lots—Low impact development.

(a) In multiple lot low impact development subdivisions described in Chapter 114 KZC, Low Impact Development, and not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to have been met if the minimum lot area is not less than fifty percent of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided, that all lots meet the following standards:

- (1) Within the RSA 6 zone, the lots shall be at least two thousand five hundred fifty square feet.
- (2) Within the RSA 4 zone, the lots shall be at least three thousand eight hundred square feet.

(b) The lots within the low impact development meet the design standards and guidelines and approval criteria as defined in Chapter 114 KZC. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4351 § 2, 2012)

22.28.042 Lots—Small lot single-family.

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) *Repealed by Ord. 4438.*
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in

Chapter 75 KZC. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.
- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand fifty square feet.
- (e) *Repealed by Ord. 4438.*
- (f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in KZC 75.105. The replacement restriction shall be recorded on the face of the plat.
- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
 - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

22.28.050 Lots—Dimensions.

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to the subject lot. For lots smaller than five thousand square feet in size located in “low density zones” as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than fifty feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 4122 § 1 (part), 2008: Ord. 3705 § 2 (part), 1999)

22.28.060 General layout.

The plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this chapter. (Ord. 3705 § 2 (part), 1999)

22.28.070 Blocks—Maximum length.

Generally, blocks should not exceed five hundred feet in length. Blocks that are more than seven hundred fifty feet in length should allow for midblock pedestrian access pursuant to Section 22.28.170 of this chapter. (Ord. 3705 § 2 (part), 1999)

22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the Zoning Code, including KZC 115.80, Legal Building Site, and KZC 105.10, Vehicular Access Easement or Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) Unless otherwise provided in the Kirkland Zoning Code, the area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However:

(1) If the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot; and

(2) The area of a vehicular-access easement shall be included in the lot area for cottage housing development approved pursuant to Chapter 113 KZC. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 4152 § 2, 2008: Ord. 4122 § 1 (part), 2008: Ord. 3705 § 2 (part), 1999)

22.28.090 Access—Right-of-way—Adjacent to plat.

The applicant shall comply with the requirements of the Zoning Code with respect to dedication and improvements of rights-of-way adjacent to the plat. (Ord. 3705 § 2 (part), 1999)

22.28.100 Access—Right-of-way—Within plats.

If a right-of-way is proposed within a plat, the public works director shall designate the right-of-way based on the projections for that right-of-way using the criteria established in the Zoning Code. The applicant shall dedicate and improve the right-of-way consistent with the provisions of the Zoning Code. (Ord. 3705 § 2 (part), 1999)

22.28.110 Access—Vehicular-access easement or tract.

If vehicular access within the plat will be provided by means other than rights-of-way, the plat must establish easements or tracts which will provide the legal right of access to each of the lots served. The city may require that the legal right of access be granted to other adjoining properties in order to provide a safe and efficient circulation system within the city. (Ord. 3705 § 2 (part), 1999)

22.28.130 Vehicular-access easement or tract—Standards.

The applicant shall comply with the requirements found in KZC 105.10 for vehicular-access easements or tracts. (Ord. 3705 § 2 (part), 1999)

22.28.140 Vehicular-access easement or tract—Additional requirements.

The city may require additional or other requirements for vehicular-access easements or tracts based on unusual circumstances. (Ord. 3705 § 2 (part), 1999)

22.28.150 Vehicular-access easement or tract—Engineering standards for vehicular access.

The public works director is directed to develop and keep current full engineering standards and specifications for improvements to vehicular-access easements or tracts. The applicant shall comply with these standards and specifications. These standards and specifications are available for public inspection and copying in the public works department during regular business hours. (Ord. 3705 § 2 (part), 1999)

22.28.160 Vehicular-access easement or tract—Modifications.

The provisions in Chapter 105 KZC, pertaining to modifications to the required improvements, may be used by the applicant or the city to modify the vehicular-access easement or tract provisions of this chapter. (Ord. 3705 § 2 (part), 1999)

22.28.170 Access—Walkways.

(a) The city may require the applicant to install pedestrian walkways in any of the following circumstances:

- (1) If a walkway is indicated as appropriate in the comprehensive plan;
- (2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;
- (3) Midblock pedestrian access may be required if blocks are unusually long.

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option. (Ord. 3705 § 2 (part), 1999)

22.28.180 Preservation of natural features—Compliance with Zoning Code.

The applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features and vegetation, of the property.

The plat must be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the applicant shall comply with all applicable provisions of the Zoning Code regarding property containing or adjacent to Lake Washington, Totem Lake, Forbes Lake, sensitive areas, geologically hazardous areas, trees and other specific requirements regarding site development restrictions due to natural features. (Ord. 4011 § 3, 2005; Ord. 3705 § 2 (part), 1999)

22.28.190 Preservation of natural features—Land adjacent to Lake Washington.

Subdivisions adjacent to Lake Washington must comply with the provisions of Kirkland's Shoreline Master Program regarding open space and public access along the waterfront. (Ord. 3705 § 2 (part), 1999)

22.28.200 Preservation of natural features—Land adjacent to streams, lakes or wetlands.

The city may require that any area adjacent to a Class A, B and C stream, a lake, or a wetland be kept in its natural or preexisting state if this is reasonably necessary to prevent hazards to persons or property. In addition, the city may also require that areas around Class A, B, and C streams, lakes or wetlands be kept in their natural or

preexisting state if this is reasonably necessary to protect unique and valuable environments. (Ord. 3705 § 2 (part), 1999)

22.28.210 Preservation of natural features—Significant vegetation.

The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 KZC, maximize the chances of survival of trees and associated vegetation designated for retention, and minimize potential hazards to life or property. (Ord. 4011 § 4, 2005; Ord. 3705 § 2 (part), 1999)

22.28.220 Preservation of natural features—Easements.

The city shall require open space or drainage easements or other similar mechanisms to ensure compliance with Sections 22.28.130 through 22.28.210 of this chapter. (Ord. 3705 § 2 (part), 1999)

Chapter 22.32 IMPROVEMENTS

Sections:

- 22.32.010 Compliance with utility system improvements required.
- 22.32.020 Water system—Fire district requirements.
- 22.32.030 Stormwater control system—Requirements.
- 22.32.040 Sanitary sewer system—Approval of septic tanks when.
- 22.32.050 Undergrounding of transmission lines—Required.
- 22.32.060 Easements for utilities.
- 22.32.070 Maintenance bonds.
- 22.32.080 Performance bonds.

22.32.010 Compliance with utility system improvements required.

All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility. (Ord. 3705 § 2 (part), 1999)

22.32.020 Water system—Fire district requirements.

The applicant shall install a system to provide potable water service to each lot created. The applicant shall install a system that will provide adequate fire flow and all fire-fighting infrastructure and appurtenances required by the serving fire district. (Ord. 3705 § 2 (part), 1999)

22.32.030 Stormwater control system—Requirements.

The applicant shall comply with the construction phase and permanent stormwater control requirements of the municipal code. Generally, permanent stormwater control

systems must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the city can require or approve stormwater control systems designed and installed for individual lots or groups of lots within the proposed plat. (Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999)

22.32.040 Sanitary sewer system—Approval of septic tanks when.

The developer shall install a sanitary sewer system to serve each lot. In lieu of installing a sanitary sewer system, the applicant may propose the use of septic tanks, which may be approved by the city if consistent with the applicable provisions of this code and Zoning Code and the applicable regulations of the Seattle-King County health department. (Ord. 3705 § 2 (part), 1999)

22.32.050 Undergrounding of transmission lines—Required.

The applicant shall comply with the utility lines and appurtenances requirements of KZC 110.60(7). (Ord. 4286 § 1 (Att. B)(part), 2011; Ord. 3705 § 2 (part), 1999)

22.32.060 Easements for utilities.

Utility lines other than in rights-of-way and vehicular-access easements and tracts should be within easements centered on property lines whenever possible. Except in unusual circumstances, easements for utilities should be at least ten feet in width. (Ord. 3705 § 2 (part), 1999)

22.32.070 Maintenance bonds.

The city may require a maintenance bond requiring any of the improvements or landscaping installed or maintained under this title. The city will use the provisions in the Zoning Code regarding maintenance bonds with respect to the acceptance, amount, administration, utilization and all other components of these maintenance bonds. A two-year maintenance bond shall be provided at the time of the recording of the plat or short plat or installation and completion of all of the required plat or short plat improvements, whichever event occurs later. (Ord. 3705 § 2 (part), 1999)

22.32.080 Performance bonds.

In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat. The city will use the provisions regarding performance bonds of the Zoning Code with respect to the acceptance, amount, administration, utilization and all other aspects of this bond. An extension of the one-year period may be approved by the public

works director. If an extension is granted, it shall be for a period not to exceed twelve months and a new security must be submitted. (Ord. 3705 § 2 (part), 1999)

Chapter 22.36 ENFORCEMENT

Sections:

- 22.36.010 Permit issuance prohibited for illegally subdivided land —Exceptions.
- 22.36.020 Violations—Generally.
- 22.36.030 Violations—Penalty.
- 22.36.040 Violations—Other lawful remedies.

22.36.010 Permit issuance prohibited for illegally subdivided land —Exceptions.

(a) The city shall not issue any permit for construction on, modification to, or use of any property divided or segregated in violation of this chapter or state law unless the city specifically approves a permit, using the provisions of Chapter 150 KZC, based on the following criteria:

- (1) That the applicant purchase the property as an innocent purchaser for value without actual notice that the property was divided or segregated in violation of law;
- (2) That the public interests will not be adversely affected by approving the permit. In determining the public interest, the city shall use substantially the same criteria as would be used by the city in reviewing a preliminary or short plat application under this title.

(b) Nothing in this section in any way limits the rights granted by RCW 58.17.210. (Ord. 3705 § 2 (part), 1999)

22.36.020 Violations—Generally.

(a) It is a violation of this title for any person, corporation, organization, or other entity to divide, segregate, sell or transfer, or offer to sell or transfer in violation of this title. It is a violation of this title to do any other thing with respect to any lot, tract, parcel or property in the city that violates the provisions of this title, or violates a plat or short plat restriction imposed by the city.

(b) The city shall use the applicable provisions of the zoning code in the investigation, enforcement and prosecution of the violations of this title. (Ord. 3705 § 2 (part), 1999)

22.36.030 Violations—Penalty.

Upon conviction of a violation of this title, the guilty party may be punished by a fine of not more than five hundred dollars or imprisonment for not more than ninety calendar

days or both for each violation of this title. The guilty party may also be ordered to discontinue or correct any violation of this title. (Ord. 3705 § 2 (part), 1999)

22.36.040 Violations—Other lawful remedies.

Nothing in this code limits the right of the city to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct violations of this title. (Ord. 3705 § 2 (part), 1999)

PRE-SUBMITTAL MEETING COMMENTS

PRE15-01809

September 22, 2015



Bristol Land Subdivison/PUD.

BUILDING DEPARTMENT

*BLDG. DEPT. CONDITIONS Contact Hans Galvin at 425-587-3621 with any questions.

No specific building code questions were presented at the time of pre-submittal application. This appears to be regarding property issues and it is unknown if there will be any demolition. As such, no comments are being made about the construction of new structures.

1. This project will be subject to Building Department fees. At the pre-application stage, the fees can only be estimated. It is the applicant's responsibility to contact the Building Department by phone or in person to determine the fees. The fees can also be reviewed at the City of Kirkland Development Services web site. The applicant should anticipate the following Building Department fees:

- A. Intake Fee (paid at application of a Building Permit)
- B. Inspection Fee (paid with the issuance of a Building Permit)
- C. Plumbing, Mechanical and Electrical, Intake and Inspection Fees
- D. Land Surface Modification (Grading), Intake and Inspection Fees
- E. There may be additional development fees due the Planning and/or the Public Works Departments. It is the applicant's responsibility to contact the Planning and Public Works Departments by phone or in person to determine the fees. If applicable, a demolition permit is required for removal of existing structures. You can download the application online at www.kirklandwa.gov or pick up a paper copy at City Hall. Shoring to prevent undermining of adjacent structures during foundation removal may be required, depending on foundation elevations. Lower elevations for structure to be demolished and any adjacent structures were not provided in the submittal for this pre-submittal meeting and will need to be included with the demolition permit application documents. If you have questions about the demolition application process call 425-583-6000 and ask to speak with a Permit Technician.

2. Prior to issuance of Building, Demolition or Land-Surface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040

3. If the scope of work includes demolition of suspected asbestos containing materials, you must contact the Puget Sound Clean Air Organization regarding asbestos requirements. Contact them at 800-552-3565 or <http://www.pscleanair.org/regulated/asbestos/> to obtain related forms and instructions, to inquire about regulations, and answers to other asbestos questions.

4. Please refer to the "Property Information Report" handed out during the pre-submittal meeting for additional information.

5. It is important for the design engineer to note these sites are within a wind exposure "B" area.

Building permits must comply with the International Residential Code and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Kirkland currently has adopted the 2012 editions.

Structures must comply with International Energy Conservation Code as adopted and amended by the State of Washington. We are currently using the 2012 edition.

Kirkland reviews, issues and inspects all electrical permits in the city. Kirkland currently uses the 2014 Washington Cities Electrical Code

PRE-SUBMITTAL MEETING COMMENTS

PRE15-01809

September 22, 2015



Bristol Land Subdivison/PUD.

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Stuart at 425-587-3660; or gstuart@kirklandwa.gov

ACCESS

Lots on 97th Ave NE

Fire Department access roads shall not exceed 15% grade. If the grade of the public right of way, fire sprinklers shall be installed in any house served by the ROW. (Applicant states the profile of the road will not exceed 15%)

The proposed turnaround does not appear to meet fire department standards. To meet fire standards, the hammerhead must be 55' x 90' (45' on each of the "legs"). Hammerhead shown is 53' and the west side of the hammerhead is less than 45'.

The lots that are furthest from the ROW (lot 7 in alternative A; Lot 8 in alternative B) may require fire sprinklers due to distance from the ROW and the access to those lots being less than 16 feet in width.

Lots on Simonds Road

The Fire Department has no specific access requirement for the lots on Simonds Road, since they front on the ROW.

FIRE FLOW

The fire flow requirement for single family development is 1,000 gpm. The project is in Northshore Utility District. A certificate of water availability shall be provided from NUD.

HYDRANTS

Fire hydrants in residential areas shall be spaced 600 feet or less apart with no hydrant further than 300 feet from the nearest setback on a building lot.

Lots on 97th Ave NE

The closest existing hydrant is between 14128 and 14136 97th Ave NE; which is approximately 450 feet from the front setback of the furthest lots (Lot 7 or Lot 8). An additional hydrant is required to be installed (approximately halfway down the ROW). The existing hydrant on 97th as well as the new hydrant shall be equipped with 5" Storz fittings.

Lots on Simonds Road

The existing hydrants on Simonds Road are adequate to provide coverage for these lots. The hydrant across the street from the property shall be equipped with a 5" Storz fitting.

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Include are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses

greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the pre-app conditions for informational purposes only.)



Permit #: PRE15-01809
Project Name: Bristol Lane SUB/PUD
Project Address: 142xx Simonds Road NE (PN#1926059085)
Date: September 22, 2015

PUBLIC WORKS CONDITIONS

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

John Burkhalter, Development Engineer Supervisor

Phone: 425-587-3846 Fax: 425-587-3807

E-mail: jburkhalter@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3856 Fax: 425-587-3807

E-mail: pvartanian@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:

Dan Carmody, Development Engineer

Phone: 425-587-3842 Fax: 425-587-3807

E-mail: dcarmody@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:

Tuan Phan, Development Engineer

Phone: 425-587-3843 Fax: 425-587-3807

E-mail: tphan@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the [City of Kirkland Public Works Pre-Approved Plans and Policies Manual](#). A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to [Public Works Permit and Connection Fees](#). It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
 - o Surface Water Connection Fees (paid with the issuance of a Building Permit)
 - o Water and Sewer Connection Fees (paid to Northshore Utility District)
 - o Side Sewer Inspection Fee (paid to Northshore Utility District)



- Water Meter Fee (paid to Northshore Utility District)
 - Right-of-way Fee
 - Review and Inspection Fee (for utilities and street improvements).
 - Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code.
3. All street and utility improvements shall be permitted by obtaining a [Land Surface Modification \(LSM\) Permit](#), including the required [LSM Checklist](#).
4. Submittal of Building Permits within a subdivision prior to recording:
- Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject project, however in order for the Building Permit to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with application. However, the Building Permit will not be eligible for issuance until after the Land Surface Modification Permit is submitted, reviewed, and approved to ensure the comprehensive storm water design required by the subdivision approval is reviewed and approved, and then shown correctly on the Building Permit plans to match the Land Surface Modification Permit.
 - Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be applied for after the Land Surface Modification Permit has been submitted, reviewed, and approved.
 - Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.
 - Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.
 - Review of detached multi-family building permits: Detached multi-family building permits can only be applied for after the Land Surface Modification permit submitted, reviewed, and approved.
5. Subdivision Performance and Maintenance Securities:



- The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either [Excel](#) or [PDF](#)). Contact the Development Engineer assigned to this project to assist with this process.
 - Once the subdivision has been completed there will be a condition of the permit to establish a two year Maintenance security.
 - If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed
6. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-587-3869 for more information. A separate Concurrency Permit will be created.
 7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the [Public Works Policy G-7, Engineering Plan Requirements](#). This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
 8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
 9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
 10. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
 11. All subdivision recording documents shall include the following language:
 - Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration facilities, which jointly



serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

- Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

- Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.

If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.

The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

- Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final



inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer and Water Conditions:

1. Northshore Utility District approval required for water and/or sewer service. A letter of sewer/water availability is required; call N.U.D at 425-398-4400.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum ([Policy D-10](#)). See Policies [D-2](#) and [D-3](#) in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the [Drainage Review Flow Chart](#). Summarized below are the levels of drainage review based on site and project characteristics:
 - Full Drainage Review
 - ✓ A full drainage review is required for any proposed project, new or redevelopment, that will:
 - ✓ Adds 5,000ft² or more of new impervious surface area or 10,000ft² or more of new plus replaced impervious surface area,
 - ✓ Propose 7,000ft² or more of new pervious surface or,
 - ✓ Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.
2. A preliminary drainage report (Technical Information Report) must be submitted with the subdivision application. This must include a downstream analysis for all projects (except small project Type 1).
3. This project is in a Level 1/Potential Direct Discharge Area, and is required to comply with core drainage requirements in the 2009 King County Surface Water Design Manual. To qualify for direct discharge, the applicant must demonstrate (at a minimum):
 - The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND



- The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area; or,
 - This project may qualify for an exception to flow control if the target surfaces will generate no more than a 0.1 cfs increase in the existing site conditions 100-year peak flow.
4. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement.
 5. Because this project site is one acre or greater, the following conditions apply:
 - Amended soil requirements (per Ecology BMP T5.13) must be used in all landscaped areas.
 - If the project meets minimum criteria for water quality treatment (5,000ft² pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
 - The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
 - Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
 - Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
 - A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 2009 King County Surface Water Design Manual for plan preparation.
 6. If a storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.
 7. This project is creating or replacing more than 5000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual.



The enhanced treatment level is encouraged when feasible for multi-family residential, commercial, and industrial projects less than 1 acre in size.

8. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
9. It doesn't appear that any work within an existing ditch will be required, however the developer has been given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.

Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

10. A Hydraulic Project Approval (HPA) from WA State Department of Fish and Wildlife (WDFW) may be required for this project. Contact WDFW at 425-313-5681 or Christa.Heller@dfw.wa.gov for determination, obtain an HPA if required, and submit a copy to COK. If an HPA is not required, the applicant may be required to provide written documentation from WDFW as verification. More information on HPAs can be found at the following website: <http://wdfw.wa.gov/licensing/hpa/>
11. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
12. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
13. Provide collection and conveyance of right-of-way storm drainage
14. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques. The tight line connections shall be installed with the individual new houses.



15. Provide a plan and profile design for the storm sewer system.
16. Provide a 15' wide access easement to the storm detention control manhole; easement must be improved with 10' of asphalt and drainage control to protect against erosion.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts the 97th Ave NE and the Simonds Road NE rights-of-ways. This street is a Neighborhood Access type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

Simonds Road NE

- A. Widen the street to 30 ft. from centerline of right-of-way to face of curb (allows for 2-11 ft lanes and an 8 ft bike lane).
- B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
- C. Only one driveway apron will be allowed onto Simonds Road. Each lot must have the ability to turn around on-site.
- D. A sight distance analysis shall be provided for the driveway entrance.

97th Ave. NE

- E. Widen the street to 24 feet from existing face of curb heading into the existing cul-de-sac and install curb and gutter along the north side of the street.
- F. Complete the cul-de-sac paving and curb and gutter (appears to be approximately 80 ft. diameter).
- G. Install storm drainage, and a 4.5 ft. planter strip with street trees 30 ft. on-center.
- H. No sidewalk required on the north side of the street.
- I. Dedicate right-of-way to encompass the said improvements; final dedication widths will be determined after street improvements are designed.

New Plat Road

- J. Install a 24 foot wide road with curb and gutter both sides if serving the PUD proposal serving the 5000 SF Lots. Install a 20 foot wide road with curb and gutter both side if serving the conventional subdivision with 7600 SF Lots
- K. The proposed road is less than 300 foot in length therefore sidewalk is not required.
- L. Provide a 4.5 foot planter strip and street trees 30 foot on center on both sides of the proposed road.
- M. Terminate road with a hammer head per fire truck turn around standards.
- N. Dedicate right-of-way to encompass said improvements.



2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland [Street Asphalt Overlay Policy R-7](#).
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
3. Meet the requirements of the City of Kirkland [Driveway Pre-Approved Policy R-4](#).
4. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)
5. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See [Public Works Pre-approved Policy R.13](#) for the sight distance criteria and specifications.
6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.
7. Install "NO PARKING ANYTIME" around hammerhead; and along one side of any proposed 20 foot streets.
8. Install new monuments as necessary.
9. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.
10. Underground all new and existing on-site utility lines and overhead transmission lines.
11. Underground any new off-site transmission lines.
12. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the



undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on _____ is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on (((street name))). Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

13. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit. New street lighting must be LED.
14. A striping plan for the street must be submitted with the building or grading permit.

Links

- [City of Kirkland Pre-Approved Plans and Policies](#)
- [Public Works Development Fees](#)
- [Stormwater FAQs](#)
- Application Forms ([Electronic](#), [Paper](#))
- [KZC105 – Private Drive, Private and Pedestrian Walkway Requirements](#)
- [KZC110 - Public Right-of-way Improvement Requirements](#)