

Landslide and Seismic Hazard Areas

Natural Resource Map Series
City of Kirkland

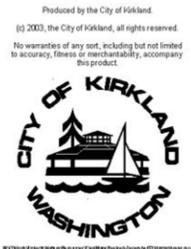
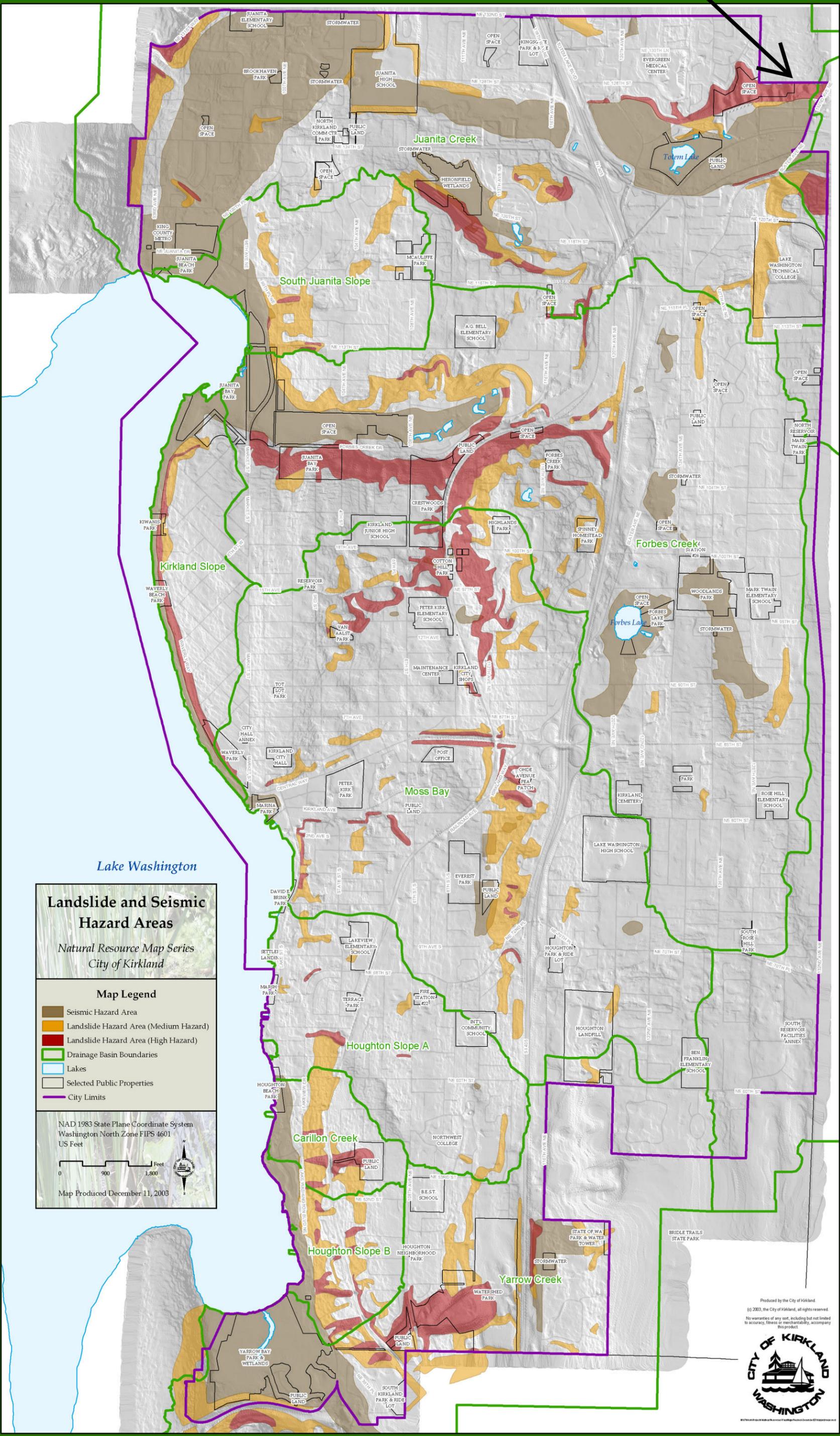
Map Legend

- Seismic Hazard Area
- Landslide Hazard Area (Medium Hazard)
- Landslide Hazard Area (High Hazard)
- Drainage Basin Boundaries
- Lakes
- Selected Public Properties
- City Limits

NAD 1983 State Plane Coordinate System
Washington North Zone FIPS 4601
US Feet



Map Produced December 11, 2003





GORDON HART
PROPERTY

NE 127TH CT

12ND AVENUE

NE 126TH PL

127TH LN NE

130TH LN NE

131ST CT NE

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

20.05 User Guide.

The charts in KZC [20.10](#) contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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| <p>Section 20.08</p>  | <p>Section 20.08 – GENERAL REGULATIONS The following regulations apply to all uses in this zone unless otherwise noted:</p> |
| | <p>1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</p> |
| | <p>2. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:</p> <ul style="list-style-type: none"> a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet. <p>See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to General Moorage Facility and Detached Dwelling Units uses).</p> |
| | <p>3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies: Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required. (Does not apply to General Moorage Facility uses).</p> |
| | <p>4. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.</p> |
| | <p>5. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to General Moorage Facility and Public Park uses).</p> |
| <p>6. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:</p> <ul style="list-style-type: none"> a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern. b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all | |



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| | <p>of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</p> <p>c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties. (Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).</p> |
| | <p>7. If the property is located in the NE 85th Street Subarea, the following shall apply:</p> <p>a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.</p> <p>b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).</p> |
| | <p>8. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.</p> |
| | <p>9. May also be regulated under the Shoreline Master Program, KMC Title 24.</p> |

[link to Section 20.10 table](#)

Section 20.10



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS | | | | | | | | | | | | |
|---|---|--|--|------------------------------|---|-----------------------|--------------|---|---------------------------------|-----------------------------|---------------------------------------|---|
| Section 20.10 | USE REGULATIONS | Required Review Process | Lot Size | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .010 | Detached Dwelling Units | None | 5,000 sq. ft. in an RM 5.0. Otherwise, 3,600 sq. ft. | 20' | 5', but 2 side yards must equal at least 15'. | 10' | 60% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8. | E | A | 2.0 per unit. | 1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq. ft., each side yard may be five feet. |
| .020 | Detached, Attached or Stacked Dwelling Units Stacked Dwelling Units are not permitted in RM 5.0. | Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. | 3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1. | | 5', but 2 side yards must equal at least 15'. See Spec. Reg. 6. | 10' See Spec. Reg. 7. | | | D See Spec. Reg. 4. | | 1.7 per unit. | 1. Minimum amount of lot area per dwelling unit is as follows: a. In RM 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. b. In RM 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. c. In RM 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. d. In RM 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 4. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies. 5. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following: a. Each development shall incorporate at least two acres; and b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible. 6. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. |

REGULATIONS CONTINUED ON NEXT PAGE



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS | | | | | | | | | | | | |
|---|--|---|---------------|------------------------------|------|----------|--------------|---|-----------------------------|---------------------------------------|--|--|
| Section 20.10 | USE REGULATIONS | Required Review Process | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) | |
| | | | Lot Size | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | | | | | Height of Structure |
| | | | | Front | Side | Rear | | | | | | |
| .020 | Detached, Attached or Stacked Dwelling Units (continued) | | | | | | | | | | REGULATIONS CONTINUED FROM PREVIOUS PAGE | |
| .030 | Church | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC. | 7,200 sq. ft. | 20' | 20' | 20' | 70% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. | C See Spec. Reg. 3. | B | 1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2. | 1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to the use. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies. |

Section 20.10



USE ZONE CHART

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|---|------------------------------|-------------------------------|---|---|--|---------------------|---|--------------|--|---------------------------------|-----------------------------|---------------------------------------|---|
| Section 20.10 | USE ⇩ REGULATIONS ⇩ | Required Review Process | Lot Size | MINIMUMS | | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | | REQUIRED YARDS (See Ch. 115) | | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | North Property Line | South Property Line | High Water Line | | | | | | |
| .040 | General Moorage Facility | Process IIA, Chapter 150 KZC. | None, but must have at least 100' of frontage on Lake Washington. | 30' See the high waterline Spec. Reg. 4. | Landward of the greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'. | 10' | For moorage structure, 0'. For other structures the greater of: a. 15', or b. 15% of the average parcel depth. | 60% | Landward of the high waterline 30' above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24' above mean sea level. | B | B | None for residents or their guests. | <ol style="list-style-type: none"> 1. Moorage may only be used by residents of the dwelling units on the subject property, or their guests. 2. Except as permitted by Special Regulation 18, no structures, other than moorage structures or public access piers or boardwalks, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 4. The required 30' front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> a. Within 30' of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. |
| | | | | REGULATIONS CONTINUED ON NEXT PAGE | | | | | | | | | |

REGULATIONS CONTINUED ON NEXT PAGE



| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS | | | | | | | | | | | | | |
|---|--------------------------------------|-------------------------|----------|---|---------------------|---------------------|-----------------|--------------|---------------------------------|-----------------------------|--|--|---------------------|
| Section 20.10 | USE ↓ REGULATIONS ↑ | Required Review Process | MINIMUMS | | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) | |
| | | | Lot Size | REQUIRED YARDS (See Ch. 115) | | | | Lot Coverage | | | | | Height of Structure |
| | | | | Front | North Property Line | South Property Line | High Water Line | | | | | | |
| .040 | General Moorage Facility (continued) | | | c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure at a 30-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not exceed beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than listed, is 5'. | | | | | | | 7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats. 9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 10. May not treat moorage structure with creosote, oil base, or toxic substance. 11. Must provide at least two covered and secured waste receptacles. 12. All utility and service lines must be below the pier deck and, where feasible, underground. 13. Piers must be adequately lit. The source of the light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted. 16. Aircraft moorage is not permitted. 17. At least one pump-out facility shall be provided. 18. See KZC 30.11 for regulations regarding bulkheads and land surface modification. | | |

Section 20.10



USE ZONE CHART

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|---|------------------------------|---|---------------|--|------|---|--------------|---------------------|---------------------------------|---|---------------------------------------|--|
| Section 20.10 | USE ↓ REGULATIONS ↑ | Required Review Process | Lot Size | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .050 | School or Day-Care Center | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC. | 7,200 sq. ft. | If this use can accommodate 50 or more students or children, then: 50' 50' on 50' each side If this use can accommodate 13 to 49 students or children, then: 20' 20' on 20' each side | 70% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8. | D | B | See KZC 105.25. | <ol style="list-style-type: none"> 1. May locate on the subject property only if: <ol style="list-style-type: none"> a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required only along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines as follows: <ol style="list-style-type: none"> 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. 4. 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. 5. May include accessory living facilities for staff persons. 6. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> 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. <p style="margin-left: 20px;"><i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i></p> | | |



USE ZONE CHART

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|---|--|---|---------------|------------------------------|--|------|--------------|---|---------------------------------|-----------------------------|---|--|
| Section 20.10 | USE  REGULATIONS  | Required Review Process | Lot Size | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .060 | Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop See Spec. Reg. 9. | Process IIA, Chapter 150 KZC. | 7,200 sq. ft. | 20' | 5' but 2 side yards must equal at least 15'. | 10' | 60% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. | B | E | 1 per each 300 sq. ft. of gross floor area. | <ol style="list-style-type: none"> This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area. Must be located on a collector arterial or higher volume right-of-way. Placement and scale must indicate pedestrian orientation. Must mitigate traffic impacts on residential neighborhood. Gross floor area may not exceed 3,000 square feet. May not be located above the ground floor of a structure. Hours of operation may be limited to reduce impacts on nearby residential uses. This use is not permitted in an RM zone located within the NE 85th Street Subarea. |
| .070 | Mini-School or Mini-Day-Care | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none. | 3,600 sq. ft. | | | | | | D | B | See KZC 105.25. | <ol style="list-style-type: none"> May locate on the subject property if: <ol style="list-style-type: none"> It will not be materially detrimental to the character of the neighborhood in which it is located. Site design must minimize adverse impacts on surrounding residential neighborhoods. A six-foot-high fence is required along the property line adjacent to the outside play areas. Structured play areas must be set back from all property lines by five feet. 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. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). |

Section 20.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

| Section 20.10 | USE ↓ REGULATIONS ↑ | Required Review Process | Lot Size | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
|---------------|--|---|---------------|------------------------------|--|------|--------------|---|---------------------------------|-----------------------------|--|---|
| | | | | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .080 | Assisted Living Facility (Not permitted in RM 5.0) | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none. | 3,600 sq. ft. | 20' | 5' but 2 side yards must equal at least 15'. | 10' | 60% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. | D See Spec. Reg. 6. | A | 1.7 per independent unit. 1 per assisted living unit. | <ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met: <ol style="list-style-type: none"> a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies. |
| .090 | Convalescent Center or Nursing Home | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC. | 7,200 sq. ft. | | 10' on each side | | 70% | | C See Spec. Reg. 2. | B | 1 for each bed. | <ol style="list-style-type: none"> 1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 2. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies. |

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|---|---|---|----------|------------------------------|------------------|-------------------------------|--------------|---|---------------------------------|-----------------------------|---------------------------------------|--|
| Section 20.10 | USE ↓ REGULATIONS ↑ | Required Review Process | MINIMUMS | | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | Lot Size | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .100 | Public Utility | Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC. | None | 20' | 20' on each side | 20' | 70% | If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. | A See Spec. Regs. 2 and 3. | B | See KZC 105.25. | <ol style="list-style-type: none"> 1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. 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. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies. |
| .110 | Government Facility Community Facility | | | 10' on each side | 10' | C See Spec. Regs. 2 and 3. | | | | | | |
| .120 | Public Park | Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process. | | | | | | | | | | |

COMPREHENSIVE PLAN POLICIES HART PROPERTY

Policy TL-16.1:

Create a public greenway as shown in Figure TL-6.

In the Totem Lake Neighborhood, a new public greenway should extend from the steep slope in the eastern portion of the neighborhood, through Totem Lake and the Juanita Creek corridor to the western edge of the neighborhood (see Figure TL-6).

Policy TL-16.3:

In natural areas of the greenway, maintain the natural vegetation to the greatest extent possible.

Within the natural areas of the greenway, natural vegetation should be maintained to the greatest extent possible. This may include management to replace invasive non-native plants with native vegetation. This will enhance the overall habitat and stormwater control function of these areas.

Goal TL-17: Protect potentially hazardous areas, such as landslide, seismic and flood areas, through limitations on development and maintenance of existing vegetation.

Policy TL-17.1:

Maintain existing vegetation in high or moderate landslide areas.

In all landslide areas, most of the existing vegetation should be preserved in order to help stabilize the slopes as well as maintain natural drainage patterns. In particular, areas with significant existing vegetation, such as the wooded ridge along NE 116th Street (District TL 10B on Figure TL-11), and the hillside northeast of Totem Lake (District TL 9), should retain vegetative cover to the maximum extent possible.

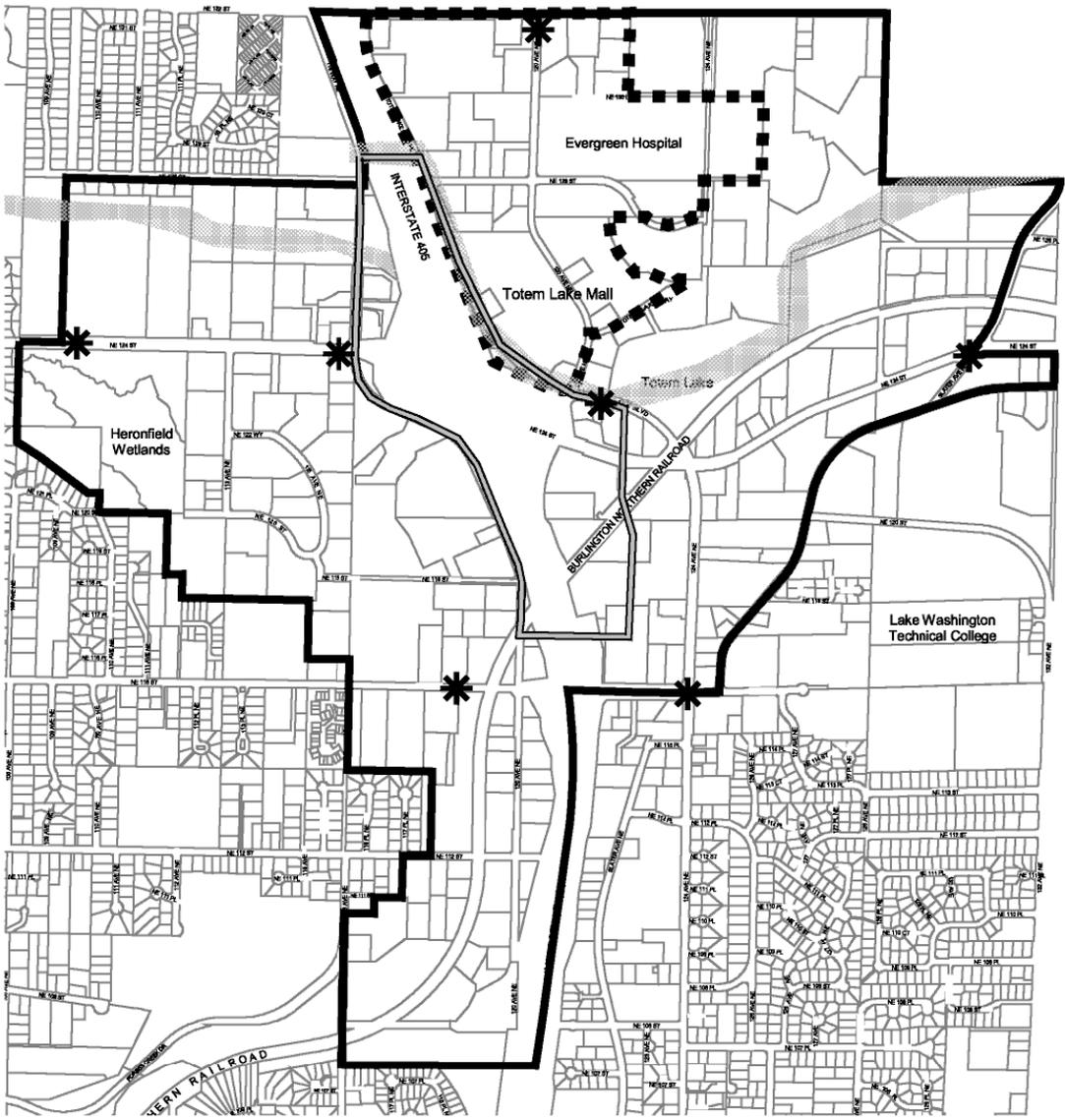
Policy TL-17.2:

Require slope stability analyses in high or moderate landslide areas and regulate development to minimize damage to life and property.

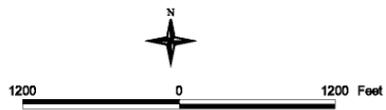
Construction on or adjacent to landslide hazard areas may cause or be subject to erosion, drainage or other related problems. Therefore, a slope stability analysis is required prior to development. Development should be regulated on these slopes to minimize damage to life and property.

Policy TL-17.3:

Restrict development in identified landslide hazard areas to ensure public safety and conformity with natural constraints.



- Activity Center - Totem Center
- Greenway
- Gateways
- Landscaped Boulevard



(NOTE: Width and location of Greenway and Landscaped Boulevard are generalized)

Goal TL-25: Provide effective transitions between the industrial, commercial and higher density multi-family uses in the neighborhood and single-family residential areas surrounding the neighborhood.

Policy TL-25.1:

Provide for site and building development requirements and other regulations that address transition areas to protect nearby residential neighborhoods.

Where commercial development adjoins established residential areas, the commercial use should incorporate site and building design features to soften its visual and physical impact and ensure that it is a positive element to the nearby residential neighborhood.

Techniques used could include limits on height, building bulk and placement, and lighting; setbacks of taller buildings away from residential neighborhoods; requirements for landscaping; noise control and other appropriate measures. Transitional regulations should include provisions for greenbelts, buffers or other site and building design features that will ensure a compatible relationship between commercial and residential development.



November 13, 2007

Jon Regala
Senior Planner
City of Kirkland Planning Department
123 Fifth Avenue
Kirkland, WA 98033
Fax (425) 587-3253

Re: **Fiorito/Hart Property Wetland and Stream Delineation Study – TWC project # 060701.45**

Dear Jon:

On October 19, November 2 and November 9, 2007, Ecologists Mike Foster, Nell Lund and Meagan McManus conducted a wetland and stream delineation study at two parcels located at the northwest corner of NE 126th Place and 132nd Place NE in the City of Kirkland (parcel numbers 8663350120 and 2826059004). This letter summarizes the findings of this study and details applicable federal, state, and local wetland regulations. The following attachments are included:

- Wetland Delineation Field Sketch
- Wetland Determination Data Forms
- Wetland Field Data Form

Additionally, our investigation of the Fiorito/Hart property includes an assessment of whether the retaining wall along 132nd Place NE has influenced wetland conditions on the subject property.

Methods

The subject property was evaluated for wetlands using methodology from the *Washington State Wetlands Identification and Delineation Manual* (Manual) (Washington Department of Ecology [Ecology] 1997). Wetland boundaries were determined on the basis of an examination of vegetation, soils, and hydrology. Areas meeting the criteria set forth in the Manual were determined to be wetland. Soil, vegetation, and hydrologic data were sampled at several locations on the property to make the determination. We recorded data at seven of these locations on-site.

We screened the entire subject area for wetlands and streams. The north half of the Fiorito Property is a greenbelt buffer area, and was not included in our screening. We used topographic maps, aerial photographs and a 2005 Talasaea Consultants, Inc. wetland reconnaissance map of the Fiorito/Hart properties to help us locate wetland areas.

Wetlands are marked with pink- and black-striped flags. Wetland A is marked with along its northern edge with 21 flags labeled A, and 5 flags labeled AA. Fourteen flags mark the southern edge near the on-site basketball court. The boundary of Wetland B is marked with a total of 82 flags. Two stream channels are flagged on-site with blue- and white- striped flagging. The portion near NE 126th Place is marked with two sets of blue flags. A longer section of Stream A is marked with 29 sets of blue- and white-striped flags. The seven data point locations are marked with yellow- and black-striped flags.

The Watershed Company classified on-site wetlands using Kirkland's *Wetland Field Data Form*. We used observations in the field, aerial photos from King County's mapping website (iMap), and information gathered from Kirkland's *Sensitive Areas* map to rate the wetland found on the subject site. We used these GIS applications and observations in the field to determine whether the retaining wall along 132nd Place NE could have directed water towards on-site wetlands.

Findings

The Fiorito/Hart property lies on a south-facing slope northeast of Totem Lake in the northeast corner of the City of Kirkland, in WRIA 8. The east third of the Hart property drains to the Sammamish River drainage basin. The other two thirds of the Hart property and all of the Firoito property are located in the Juanita Creek drainage basin, a primary basin within the City of Kirkland.

The vegetation on both parcels is composed of a mix of scrub-shrub and forested vegetation. Himalayan blackberry (*Rubus armeniacus*, FACU) dominates the understory throughout both sites. Red alder (*Alnus rubra*, FAC), black cottonwood (*Populus balsamifera*, FAC) and western red cedar (*Thuja plicata*, FAC) provide patchy forest cover throughout the site. One dense stand of western red cedar provides significant forest cover on the west edge of the Hart property. Some pacific and Sitka willow (*Salix lucida*, FACW; *Salix sitchensis*, FACW) along with bitter cherry (*Prunus emarginata*, FACU) are present in the forest strata as well.

Several swales, small valleys and flat benches mark the topography of the south-sloped subject area. Wetland A sits at the base of a small valley that carries seasonal stream flow, Stream A. Water is seeping from the hillside at the east edge and center of the Hart property. The bench features along its south edge capture and hold water and create a portion of Wetland B. Both Wetlands A and B are located within the Juanita Creek basin.

Wetland A

The soil in Wetland A is a dark gray (10YR 4/1) clay loam with dark yellowish brown (10YR 4/6) redoximorphic features (see Wetland Delineation Field Sketch, DP-2). A thicket of Himalayan blackberry dominates the area around the data point. Himalayan blackberry has a facultative-upland indicator status, but is considered to be highly invasive, and frequently invades wetlands in the Pacific Northwest. The soil was saturated to the surface at the time of our visit. Wetland A is a type II wetland.

The upland near Wetland A is characterized by a very dark grayish brown (10YR 3/2) sandy loam soil with no redoximorphic features (see Wetland Delineation Field Sketch, DP-3). Medium-sized red alder trees form a diffuse canopy above a thick understory of Himalayan blackberry around the data point. The top three inches of soil was saturated due to heavy rain during the time of our visit. The soil was moist, but not saturated at 10 inches.

Wetland B

Groundwater seeping from the hillside provides the hydrology for Wetland B. The soil within the wetland is a very dark gray (10YR 3/1) sandy clay loam with no redoximorphic features (see Wetland Delineation Field Sketch, DPB-1). The soil gave off a slight sulfidic odor during our investigation, an indication of anoxic conditions typical of wetland soil. Skunk cabbage (*Lysitichiton americanum*, OBL), Himalayan blackberry and lady fern (*Athyrium filix-femina*, FACW) are growing on the edge of a western red cedar-dominated grove. Red alder and giant horsetail are also present near the data point. One-fourth of an inch of water was sheet flowing along the surface of the soil at the time of our visit. Wetland B is a Type II wetland.

The non-wetland near Wetland B is characterized by a dark brown (10YR 3/3) sandy loam soil lacking redoximorphic features. Western red cedar and some red alder form a canopy over an understory of sword fern (*Polystichum munitum*, FACU), with some Himalayan and evergreen blackberry (*Rubus laciniatus*, FACU-) present. The soil was not saturated at the time of our visit.

Stream A

Outfall from a broken culvert at flag set A/B-29 (see Wetland Delineation Field Sketch) marks the top of Stream A. Stream A collects surface flow and groundwater as it flows south along the east edge of the Fiorito property. Sections of the stream were dry during our November 2, 2007 site visit. The seasonal stream is wider than two feet, with an average on-site gradient of 25%. The stream sheet flows and infiltrates through much of Wetland A, but re-channelizes for a short distance just east of the basketball court near NE 126th Place. Stream A likely does not support salmonids because of its steep gradient. Seasonal streams that do not support salmonids are considered Class C streams in the City of Kirkland.

An area indicated as wetland on the 2005 Talasaea sketch does not meet wetland parameters (see Wetland Delineation Field Sketch, DP-1). No wetlands are located on the west half of the Fiorito property.

The construction of a retaining wall along 132nd Place NE did not create, augment or affect wetlands on-site. Groundwater drains from behind the retaining wall to a storm water grate located along 132nd Place NE, which flows to the Sammamish River watershed. Wetland B is over 230 feet west of the wall, separated by non-wetland area. No hydrologic connection exists between the retaining wall and the wetlands (and stream) on-site.

Local Regulations

In Kirkland, wetlands are regulated under Chapter 90, Drainage Basins, of the Kirkland Zoning Code (KZC). According to KZC 90.45, buffer width determinations for wetlands are based on both wetland type and drainage basin category. Both wetlands on-site are type II and are within the Juanita Creek Basin, a primary basin. Type II wetlands in primary basins in the City of Kirkland require a 75-foot buffer.

Streams buffers are regulated under section 90.90 of the KZC. Stream A, a Class C stream in a primary basin, requires a 35-foot buffer.

Additionally per KZC 90.30, Kirkland requires that there be “[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. The Planning Official may make an exception for minor improvements that do not diminish wetland or stream buffer functions (KZC 90.45[2] and KZC 90.90[2]). This requirement applies to both the stream and wetland buffers on-site.

Buffers may be modified under two options detailed in KZC 90.60. First, an applicant may reduce the standard buffer width using an approved buffer averaging plan. Any buffer area lost to development may be added to the buffer elsewhere on the property, given that buffer area is of equal quality and size. Second, the applicant may reduce the buffer if it can be shown that an enhancement plan will improve buffer function overall despite the buffer intrusion. Enhancement typically involves removal of invasives such as Himalayan blackberry, ivy and/or reed canarygrass. Wetland and stream buffers on-site have enormous restoration potential. Any plan drafted to reduce buffer widths must be approved by the City of Kirkland through a review process. Refer to KZC 90.60 for details about buffer reduction options and the review process.

State and Federal Regulation

Wetlands are also regulated by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. Any filling of Waters of the State, including wetlands (except isolated wetlands), would likely require notification and permits from the Corps. Wetlands A and B are likely within the jurisdiction of the Corps. Federally permitted actions that could affect endangered species (i.e. salmon or bull trout) may also require a biological assessment study and consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service. Application for Corps permits may also require an individual 401 Water Quality Certification and Coastal Zone Management Consistency determination from the State Department of Ecology.

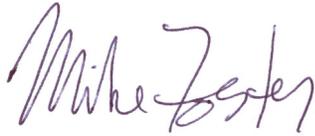
Generally, neither the Corps nor Ecology regulates wetland buffers.

Please note that the findings of this letter, including wetland classification and resulting buffer width predictions, are subject to the verification and agreement of local, state and/or federal regulatory authorities.

Regala, J.
November 13, 2007
Page 5 of 5

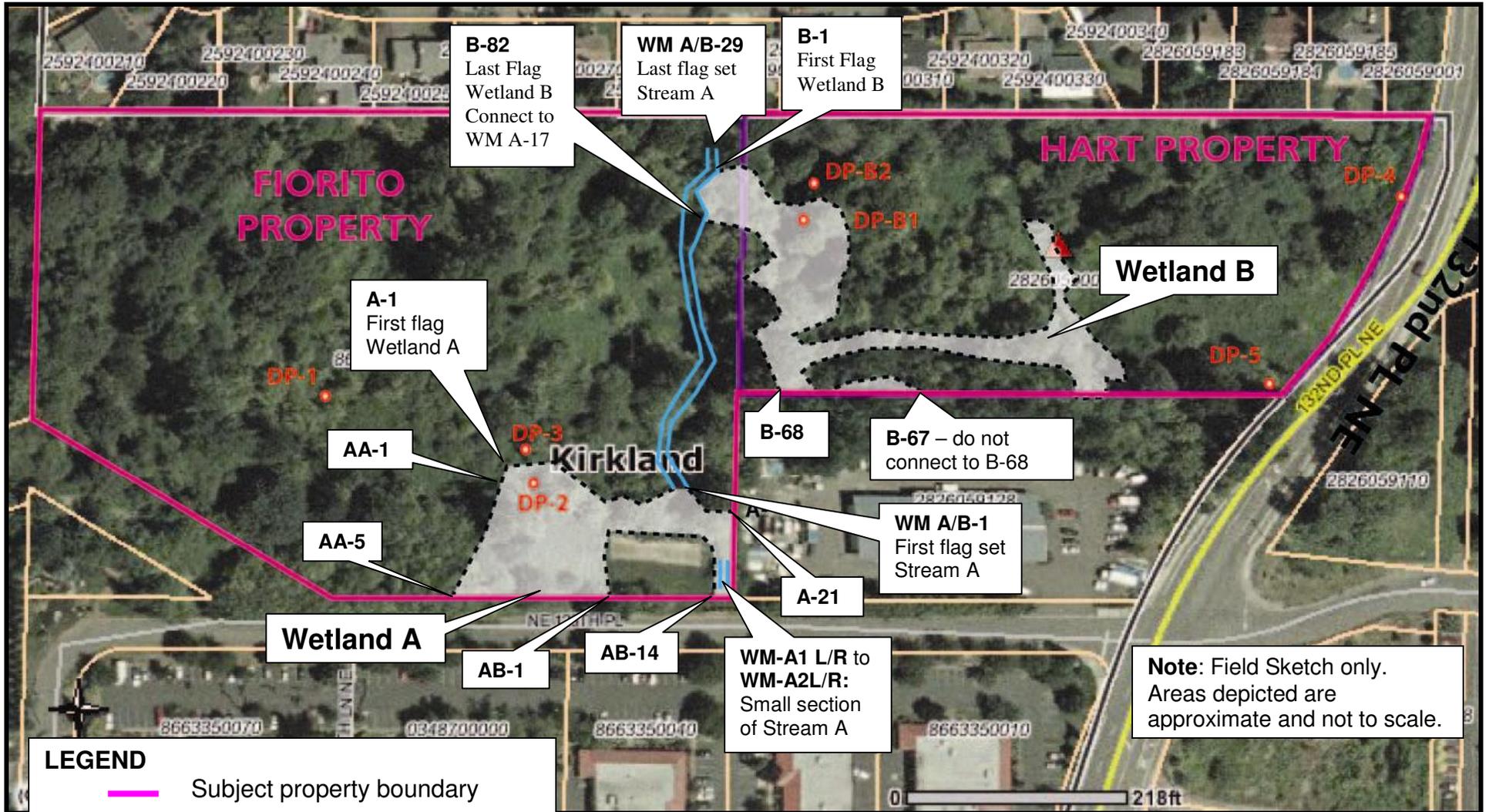
Please call if you have any questions or if we can provide you with any additional information.

Sincerely,

A handwritten signature in black ink that reads "Mike Foster". The signature is written in a cursive style with a large, prominent "M" and "F".

Mike Foster
Ecologist

Enclosures



Wetland Delineation Field Sketch

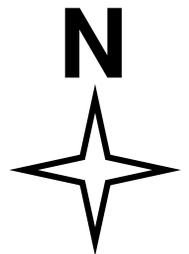
For parcel numbers 866335-9120 and -9004 in the City of Kirkland
 Site visits on October 19, November 2 and November 9, 2007
 Prepared for Jon Regala, Senior Planner, City of Kirkland Planning Department
 November 12, 2007

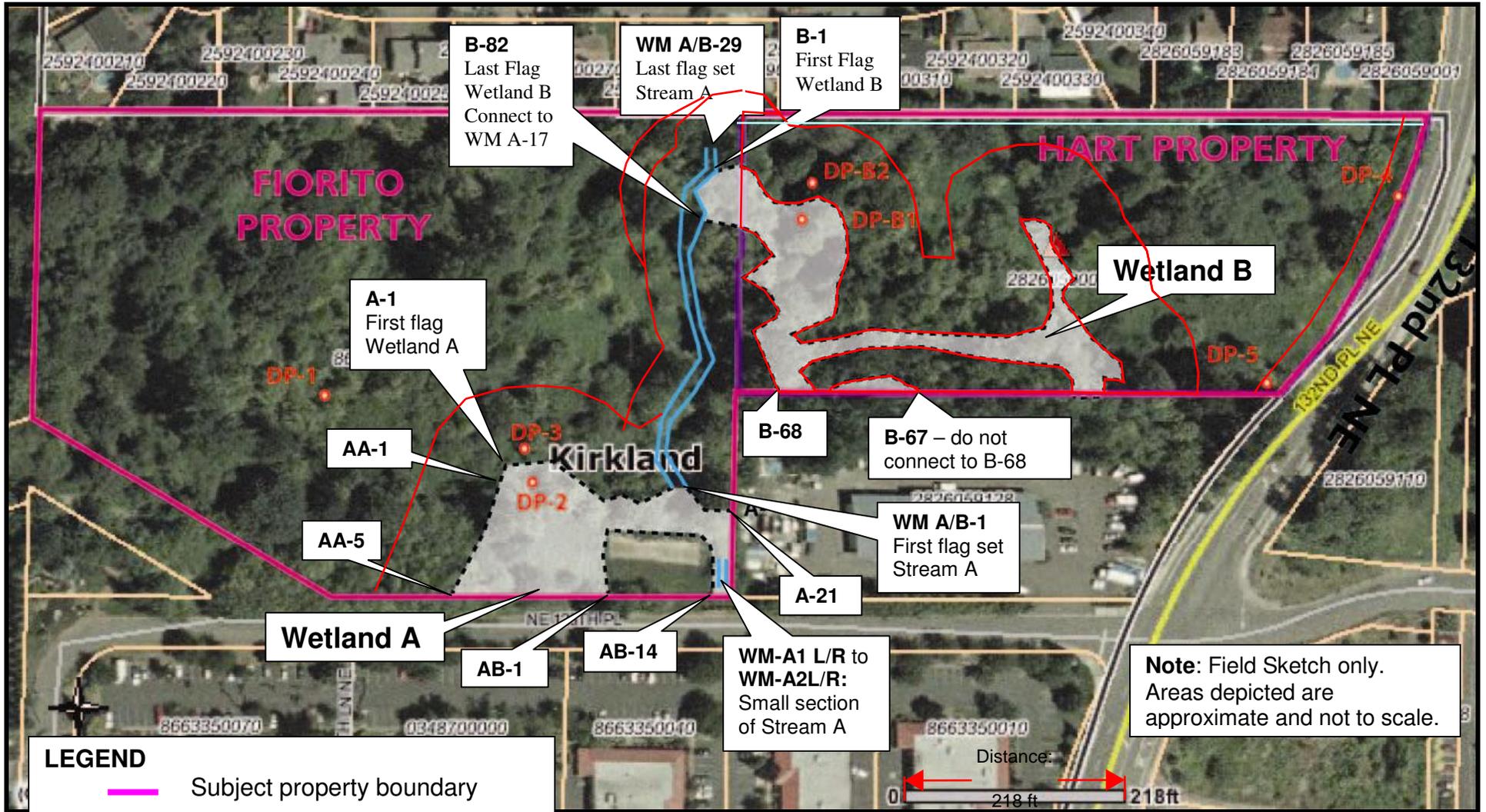
LEGEND

- Subject property boundary
- Approx. location of stream edge
- ■ ■ Approx. location of wetland edge
- ⊙ Data Point



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LEGEND

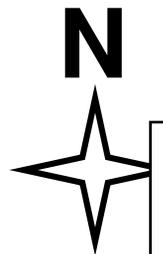
- Subject property boundary
- Approx. location of stream edge
- ■ ■ Approx. location of wetland edge
- ⊙ Data Point

Wetland Delineation Field Sketch

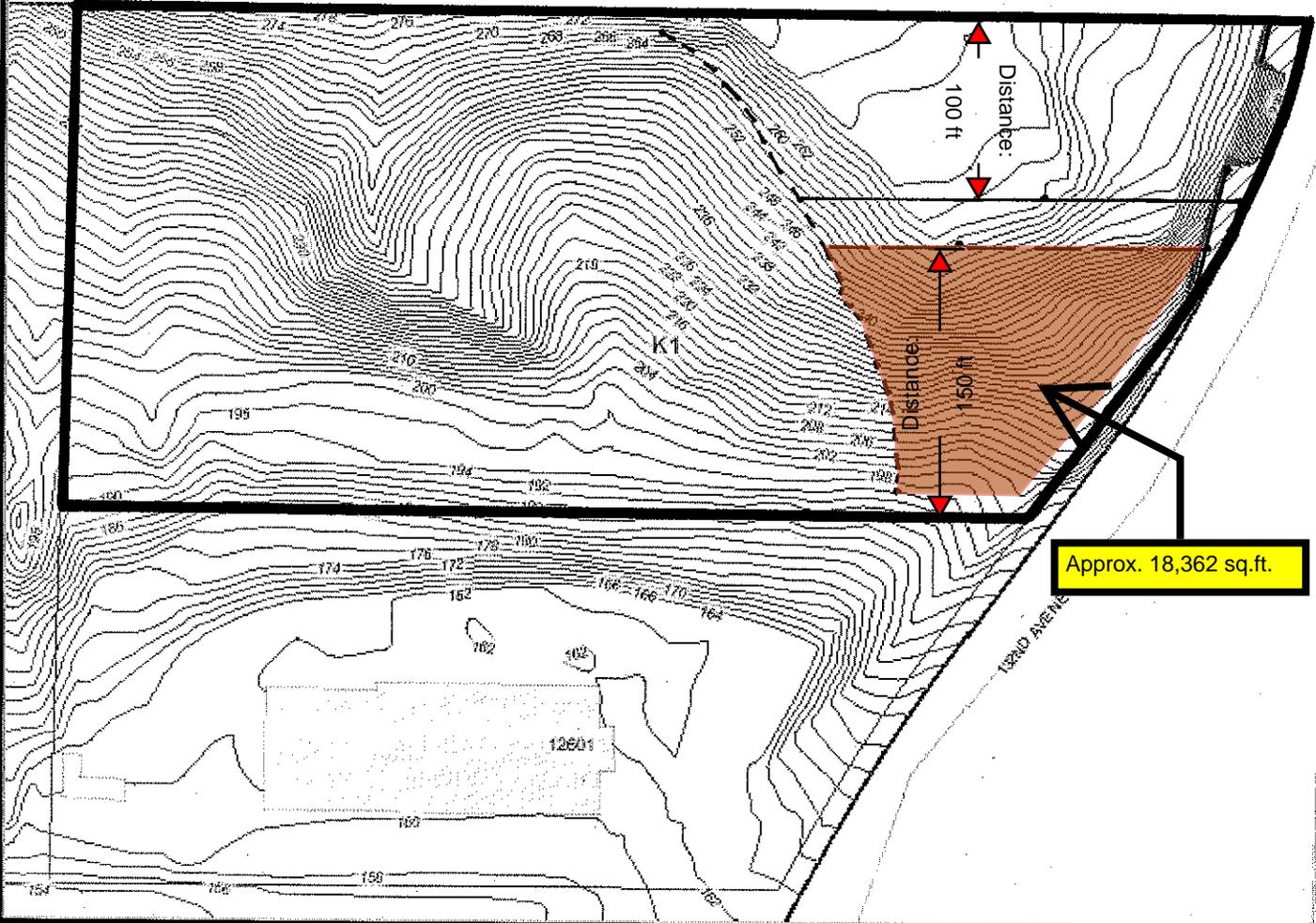
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**BUILDABLE AREA
GIVEN COMP PLAN CONDITIONS AND
SENSITIVE AREA BUFFERS**



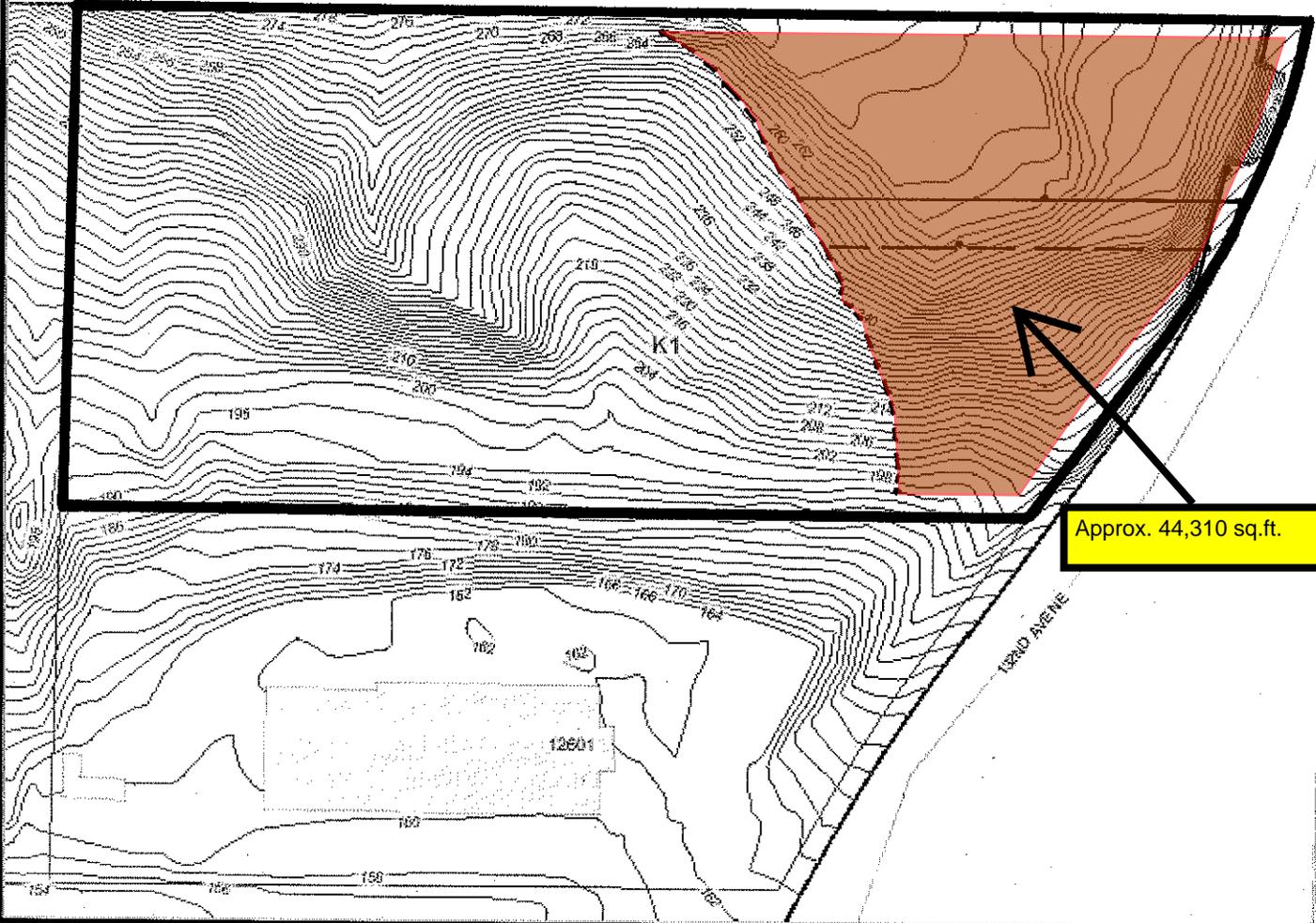
Lake Washington

Legend

Approximate
Scale 1:1,200
1 in = 100 ft

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**BUILDABLE AREA GIVEN SENSITIVE AREA
BUFFERS AND GENERAL ZONING
REQUIREMENTS**



Legend

Approximate
Scale 1:1,200
1 in = 100 ft

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ZONING CODE REFERENCES
GEOLOGICALLY HAZARDOUS AREAS, SENSITIVE AREAS, LANDSCAPE
BUFFERS, AND LAND SURFACE MODIFICATIONS (LSM)

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.

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 provision of this chapter applies to the subject property because of the presence on the subject property of more than one 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 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, IIB, or III, described in Chapters [145](#), [150](#), [152](#), and [155](#) 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 three-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 or more natural greenbelt protective easements or tracts.

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, IIB, or III, described in Chapters [150](#), [152](#), and [155](#) 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 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.

APPLICABLE WETLAND/STREAM REGULATIONS

90.20.6 General Exceptions

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

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.

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 [95.35\(4\)\(d\)](#), Tree Plan Review Standards – Trees in Critical Areas or Critical Area Buffers; and KZC [95.45\(12\)](#), 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.

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 [95.35\(4\)\(d\)](#), Tree Plan Review Standards – Trees in Critical Areas or Critical Area Buffers; and KZC [95.45\(12\)](#), 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.

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.

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.

APPLICABLE LANDSCAPE BUFFER REQUIREMENTS

95.40.6.a Required Landscaping

For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The land use buffer must be planted as follows:

- 1) Trees planted at the rate of one tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees eight feet in height, minimum. At least 70 percent of trees shall be evergreen. Evergreen and deciduous trees shall be spaced no more than 20 feet apart on center.
- 2) Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two years, planted at the following sizes and spacing, depending on type:
 - a) Low shrub – (mature size under three feet tall), one- or two-gallon pot or balled and burlapped equivalent);
 - b) Medium shrub – (mature size from three to six feet tall), two- or three-gallon pot or balled and burlapped equivalent);
 - c) Large shrub – (mature size over six feet tall), five-gallon pot or balled and burlapped equivalent).
- 3) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the shrubs or trees.

95.40.6.b Required Landscaping

For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:

- 1) One row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous trees at least six feet in height, minimum. At least 50 percent of the required trees shall be evergreen.

2) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the trees.

95.35.4 Tree Retention Standards

1) Tree Retention Standards.

- a) Based on the tree plan information submitted by the applicant and the Planning Official's evaluation of the trees and proposed development on subject property, the Planning Official will designate each tree as:
 - i. Type 1, a viable tree that meets at least one of the criteria set forth in subsection (4)(a)(1)(b) of this section;
 - ii. Type 2, a viable tree that is to be retained if feasible; or
 - iii. Type 3, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.
- b) Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards in subsections (4)(a)(2) and (4)(a)(3) of this section:
 - i. Landmark trees;
 - ii. Specimen trees;
 - iii. Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC [95.50\(3\)](#);
 - iv. Trees on slopes of at least 10 percent; or
 - v. Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize.

LAND SURFACE MODIFICATIONS

115.75 Land Surface Modification

1. General – The applicant shall comply with this section with respect to all land surface modifications.
2. Nature of Fill Materials – All materials used as fill must be nondissolving and nondecomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

3. A land surface modification is permitted, only if it:
 - a. Has been approved as part of a valid development permit, subdivision, or substantial development permit; or
 - b. Is for cemetery graves; or
 - c. Is in a right-of-way authorized in writing by the Director of the Department of Public Works; or
 - d. Is for mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where a permit has been issued by the state of Washington, Department of Natural Resources; or
 - e. Is for exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the land surface modification does not exceed the minimum necessary to obtain the desired information; or
 - f. Is for normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way; or
 - g. Is for excavations for utility service connections to serve existing and/or new structures; or
 - h. Is for actions which must be undertaken immediately, or within a time too short to allow full compliance with the permit requirements of subsection (4) of this section, to avoid an imminent threat to public health or safety; to prevent an imminent danger to public or private property; or to prevent an imminent threat of serious environmental degradation. This determination will be made by the Planning Official; or
 - i. Is for the removal of overhanging vegetation and fire hazards as specified in Chapter 9.12 KMC, and the removal of blackberry vines or dead, dangerous, or diseased trees, when authorized by the Building Official; or
 - j. Is for placement of fill on land owned or controlled by the City; or
 - k. Complies with all of the following criteria:
 - 1) The subject property contains a permanent building or an active use; and
 - 2) The land surface modification will not change the points where the storm water or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of storm water or groundwater; and
 - 3) The land surface modification is not in a stream, lake, wetland, or required setback therefrom; is not on or within 25 feet of a geologically hazardous area; and is not in an area with soft compressible soils; and
 - 4) The land surface modification is not located on a site for which a development permit, subdivision, or substantial development permit has been submitted or is under review but has not yet been approved; and

- 5) In any one-year period, not more than 500 cubic yards of fill material is deposited on, excavated and removed from or moved from place to place on the subject property and will not result in more than a two-foot increase or one-foot decrease in average slope. If the subject property is larger than one acre, the limit is 500 cubic yards within each acre; and
- 6) If the land surface modification is between 100 and 500 cubic yards, the City may require a soils report. If a soils report is required, it shall contain a description of any on- or off-site impacts of the proposed land surface modification on each of the following elements:
 - a) Slope stability – if the site has an average slope 15 percent or greater;
 - b) Landslide hazard, sloughing or mud flows;
 - c) Seismic hazards (based on subclassifications within the Class III risk zone);
 - d) Erosion hazards;
 - e) Drainage;
 - f) Springs or seeps or any other surface water;
 - g) Groundwater;
 - h) Flood hazard;
 - i) Existing vegetation;

The soils report also must contain recommended methods for mitigating identified impacts and a description of how these mitigating measures impact adjacent properties. The City may require implementation of recommendations in the soils report to mitigate identified impacts.

4. The Planning Official may approve a land surface modification which does not comply with subsection (3) of this section if the land surface modification:
 - a. Except as allowed by Chapter [90](#) KZC, does not alter or adversely affect streams, lakes, wetlands, or significant trees, either on the subject property or on any other property; and
 - b. Does not violate any expressed policy of the City; and
 - c. Either:
 - 1) Is proposed to correct an erosion or drainage problem on an undeveloped site; or
 - 2) Is proposed to create new utility or access corridors; or
 - 3) The subject property contains a permanent building or an active use and in any one-year period more than 500 cubic yards of fill material is deposited on, excavated and removed from, or moved from place to place

on the subject property and will not result in more than a two-foot increase or one-foot decrease in average slope. If the subject property is larger than one acre, the threshold is 500 cubic yards within each acre; or

- 4) The subject property contains a permanent building or an active use and is on or within 25 feet of a regulated slope or is within an area of soft compressible soils; or
 - 5) Is proposed to ensure grading is done to avoid erosion, landslides, or other environmental hazards for a development activity for which a complete building permit application is being processed and a bond for restoration has been submitted. All land surface modification authorized by the Planning Official must be completed no later than October 1st, unless extended by the Building Official. The bond shall be held until all site work associated with the approved building permit is completed.
5. Prior to approving a land surface modification under subsection (4) of this section, the applicant shall submit to the Planning Official:
 - a. Survey of the subject property;
 - b. Limits of proposed grading;
 - c. Tree retention plan;
 - d. Utility locations;
 - e. Easement and right-of-way improvement locations;
 - f. Erosion control/construction phase storm water control plan; and
 - g. A soils report which contains all elements described in subsection (3)(k)(7) of this section.
 6. In approving the LSM, the Planning Official may require measures to mitigate the impacts of the LSM, including but not limited to the following:
 - a. The limit of grading line shall be clearly marked in the field with the installation of a six-foot-high temporary chain link fence and signage and flagging of trees to be retained.
 - b. An erosion control siltation fence shall be erected along required setbacks from streams, wetlands, and steep-sloped areas.
 7. Appeals – The decision of the Planning Official in approving or denying a land surface modification may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).
 8. Bonds – The City may require the following bonds, per Chapter [175](#) KZC:
 - a. A performance bond to guarantee that the land surface modification will conform to City standards; and/or
 - b. A maintenance bond after the land surface modification is completed.

9. Tree and Plant Restoration

If any tree required to be retained or planted is damaged or destroyed, the applicant shall plant a tree of the same species at least three to five inches in diameter, if deciduous, as measured one foot above grade or at least 16 feet high, if coniferous, in the immediate vicinity of the damaged or destroyed tree. The City may require the applicant to remove the damaged or destroyed tree.

In addition, if grading or clearing destroys groundcover or shrubbery, the applicant shall hydroseed the bare soil and plant shrubs at least 24 inches in height in the immediate vicinity of the damaged or destroyed vegetation.