



MEMORANDUM

To: Planning Commission

From: Teresa Swan, Senior Planner
Paul Stewart, Deputy Director of Planning

Date: October 7, 2010

Subject: **Public Hearing on Amendments to the Kirkland's Shoreline Master Program (SMP) and Other Zoning Code Amendments relating to the Annexation Area, File No. ZON06-00017**

TABLE OF CONTENTS

Section	Topic	Page #
I.	Recommendation	1
II	Introduction	2-4
III.	Amendment to Shoreline Environment Designations Map	4
IV	Amendment to the Comprehensive Plan	4
V.	Amendments to Chapters 83 and 141 KZC	5-13
VI.	Revisions to the Restoration Plan	13
VII.	Amendments to other KZC Chapters	13-14
VIII.	Criteria for Approving Amendments to the Zoning Code and Comprehensive Plan	14-18
IX	Environmental Review (SEPA)	18
X.	Attachments	18

I. RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the proposed amendments and, if time allows, make a recommendation to the City Council.

II. INTRODUCTION

A. **City's Shoreline Master Program**

In 2005, the City began its Shoreline Master Program (SMP) update project, starting with the *Shoreline Analysis Report*, a tour of the shoreline, an open house and a public outreach survey. Over the course of several more years, the Planning Commission held study sessions and hearings on the SMP update along with additional outreach meetings. On December 1, 2009, the City Council adopted a resolution of intent to approve the SMP update and subsequently the SMP update was transmitted to the Department of Ecology for approval.

Following a 7-month process, on July 26, 2010, DOE approved the City's SMP update. On August 3, 2010, the City Council approved [Ordinance 4251](#) codifying the SMP update.

Ordinance 4251 included the following SMP update components:

- **Goals and policies in the Shoreline Chapter** in the Comprehensive Plan
- **Chapter 83** (shoreline regulations) and **Chapter 141** (shoreline administration) in the Zoning Code
- **Shoreline Environment Designations Map** that functions like a zoning map
- **Shoreline Analysis Report** dated December 1, 2006 (existing shoreline conditions, including shoreline hardening/bulkheads, piers, structure setbacks, vegetation, and paved areas used as a baseline to measure future improvements to the ecological function of the shoreline)
- **Restoration Plan** (public and private programs and projects that will improve the shoreline over the next 20 years)

B. **SMP Update and Annexation Area**

The City will annex the neighborhoods of Finn Hill, Juanita and Kingsgate on June 1, 2011. The City needs to amend its SMP to incorporate the annexation shoreline area into the SMP documents (see Attachment 1). The needed changes to the SMP include:

- Determining the appropriate **shoreline environment designations** for the area and revise the Shoreline Environment Designations Map
- Considering the annexation shoreline area in the **Cumulative Impact Analysis** and in the **Restoration Plan**
- Evaluating the **shoreline regulations** to determine if any amendments are needed to address existing conditions and future development potential in the annexation area.

In addition, Zoning Code amendments are needed to the RSA and RMA use zone charts for the annexation area to be consistent with the new shoreline regulations. These Zoning Code amendments are not under the jurisdiction of the Department of Ecology.

The annexation area was included in the City's *2006 Shoreline Analysis Report* so this document does not need to be updated.

DOE must approve any amendments to the SMP update. Once the City approves the amendments, the changes are transmitted to Ecology for final approval. Their review process takes 7 to 8 months, although City staff hopes that the process will take less time since the changes will not be significant and it is anticipated that only a few changes to the regulations will be necessary.

C. King County's SMP Update Process

King County is currently in the process of preparing its SMP update that includes the annexation area. In fact, King County has been working on the SMP update for several years and sent a draft to the County Council in November 2009. However, with the change in County Executive, County staff decided to hold off further review until the new County Executive was in office. The County anticipates transmitting its SMP update to Ecology by fall 2010 and think that they will have approval by spring 2011 or early summer. King County has held open houses and workshops on their SMP update and indicated that they had sent out notices to shoreline property owners.

If Kirkland's SMP is not amended and received DOE approval by June 1, 2011, the date of annexation, the City must implement the County's SMP. The City has several reasons for not wanting to implement the County's SMP, including that the County shoreline regulations would not be consistent with the City's Zoning Code, the City would be enforcing shoreline regulations that it did not review and approve, and City staff would have to become familiar with and determine how to apply the County regulations.

One of the most significant concerns about the County SMP is that the County uses a critical area buffer for a lake of 115' as its shoreline setback that does not reflect existing conditions. The buffer can be reduced through various provisions with required mitigation, both of which are determined on a case-by-case basis for individual properties. This approach gives property owners no assurance up front as to what their shoreline setback and native vegetation requirement would be, and it will be difficult and time consuming for staff to implement.

D. Schedule for Reviewing Amendments to the Zoning Code and Restoration Plan

On August 26 and September 23, 2010, the Planning Commission held study sessions on the amendments. An open house was held on September 23, 2010 before the study session and another open house will be held before the public hearing on October 14, 2010. The Planning Commission will make a recommendation to the City Council on either October 14 or October 28, 2010. On November 16, 2010, the City Council will consider a resolution of intent to adopt the proposed amendments. Following City Council adoption, the amendments will be forwarded to DOE for review and approval.

A notice was mailed to all property owners in the annexation area concerning the amendment process and the dates of the meetings. In addition, a notice of the amendment project was sent to the City's extensive annexation web listserv list with a link to the annexation SMP update informational web page on the City's web site.

III. AMENDMENTS TO THE SHORELINE ENVIRONMENT DESIGNATIONS MAP
(see Attachment 1)

A. Proposed Amendment

Amend the Shoreline Environment Designations Map as follows:

- The annexation's single-family area designated as Residential-L.
- The annexation's 3 multi-family lots designated as Residential-M/H.
- O. O. Denny Park designated as Urban Conservancy.

B. Background Information

The Shoreline Environment Designations Map is the graphic representation of the City's shoreline regulated by Chapter 83 and relates to the management policies and regulations in the Shoreline Area Chapter of the Comprehensive Plan.

The 2003 State Guidelines, adopted a few years ago to further implement the 1971 Shoreline Management Act and to work towards achieving the directive of the 2005 Puget Sound Salmon Recovery Plan, describe the characteristics of each shoreline environment. Section 83.90 of the new shoreline regulations lists these characteristics by environments that include Natural, Urban Conservancy, Residential-Low, Residential-Medium/High, Urban Mixed and Aquatic (lake).

The single-family and multi-family lots in the annexation have the same shoreline environment characteristics as the single and multifamily lots in the city. O. O. Denny Park matches the shoreline environment designation for Urban Conservancy which is the designation for similar shoreline parks in Kirkland. O. O. Denny Park does not meet the characteristics for either Natural or Urban Mixed shoreline environment designations.

IV. AMENDMENT TO SHORELINE AREA CHAPTER OF THE COMPREHENSIVE PLAN

A. Proposed Amendment

Amend Figure SA-1, the Shoreline Environment Designations Map, in the Shoreline Area Chapter of the Comprehensive Plan

B. Background Information

Figure SA-1 in the Shoreline Area Chapter of the Comprehensive Plan is the Shoreline Environment Designations Map. This map needs to be replaced with the revised map to be adopted (see Attachment 1).

V. **AMENDMENTS TO CHAPTERS 83 AND 141 KZC/SHORELINE REGULATIONS**
(see Attachments 2-9)

The following amendments to Chapter 83 KZC, the shoreline regulations, are needed to reflect existing conditions and improvements in the annexation area that are different than in the city.

A. Shoreline Setback Standards (Section 83.180)

There is a great variation in the pattern of existing setbacks, lot sizes and parcel depths in the annexation area compared to the city. Many lots are very deep (200'-800' in depth). Some lots are very small (as small as 3760 sq. ft.). Some homes are a few feet from the lake while other homes are over 200' from the lake. For this reason, a pattern of existing setbacks and lot depths was identified in the annexation area resulting in the proposed setback standards below. These proposed setbacks reflect the variation in conditions, a goal of reducing the number of new non-conformances and the requirement of meeting the State's No Net Loss of ecological function provision.

1. Proposed Setback Standards (see Attachments 2-7):

Below are the proposed setback standards for the annexation area. Section 83.180 would be amended to reflect these standards:

Study Areas	Setback Standards
RS study area #1A	30% of average parcel depth with 30' minimum and 80' maximum
RS study area #1B	15% of average parcel depth with 15' minimum
RS study area #1C	20% of average parcel depth with 30' minimum and 60' maximum
RS study area #1D	25% of average parcel depth with 30' minimum and 80' maximum
RS study area #1E	15% of average parcel depth with 25' minimum and 80' maximum
RS study area #1F	25% of average parcel depth with 30' minimum and 60' maximum
RS study area #2	20% average parcel depth with a 25' minimum and maximum 60'
RS study area #3	15' minimum
RS study area #4	30% of average parcel depth with 30' minimum and 80' maximum
Applicable to all but study area #3	May reduce the average parcel depth by 5 percentage points, provided that the minimum setback is still met and native plantings are increased from 10' in depth to 20' in depth
RM area	45' minimum

Note: Setback reduction options in Section 83.390 are additional options available to property owners in all study areas, except the RS study area #3 since the setback in this area cannot be reduced below 15'.

2. Background Information on How Setback Standards Were Derived

Below is background information on how the proposed setbacks were derived. For additional information, see the staff memo for the Planning Commission meeting of [September 23, 2010](#).

(a) The City's shoreline setback standards in the SMP update are based on the following **factors**:

- **Existing primary structure setbacks** from the lake to consider the number of homes that are non-conforming now, would become non-conforming under the new setback standards and could move forward with the new standards that impacts the lake. Currently, 47 of the 314 lots are non-conforming under the City's *prior setback standard of 15% of the average parcel depth with a 15' minimum* which is half of the new single family setback standard of 30% of the average parcel depth with a 30' minimum in the City under the new SMP.
- **Average parcel depth** to take into account the differences in lot depth.
- **DOE approval** that includes a minimum urban setback of 25' with some exceptions for unique conditions and demonstrating that the State's No Net Loss provision is met in the required Cumulative Impact Analysis. Future development potential of the area is considered, including lots that are vacant or can be subdivided and older homes that are likely to redevelop. With the SMP update, DOE accepted a ratio of 3:1 in the *loss* in open space between the lake and homes when a home can be moved closer to the lake to a *gain* in new native landscaping required to be installed with new development or redevelopment.

(b) The annexation's **single family area** was divided into four study areas based on the pattern of existing setbacks and lot depth. Study area #1 was further divided into 6 subareas based on further analysis (see Attachment 2).

- **Single family study area #1** (see Attachments 2 and 3):
This study area is located between the multifamily area (RM) and O. O. Denny Park and contains 144 single family lots. 31 of the lots are currently non-conforming under the City's prior setback standard of 15% of the average parcel depth with a 15' minimum. This area has the widest range in setback and lot depth pattern so 6 setback categories are needed to minimize the number of new non-conformances while reducing the amount of open space loss as existing homes can be relocated closer to the lake with the new setback standards.
- **Single family study area #2** (see Attachments 2 and 4):
This study area contains the 33 lots north of O. O. Denny Park. This area has a moderate variation in setback and lot depth. Currently, 8 of the lots are non-conforming under the City's prior setback standard of 15% of the average parcel depth with a 15' minimum.
- **Single family study area #3** (see Attachments 2 and 5):
This study area is north of study area #2 and contains 12 lots. This area has very small lots with homes close to the lake. Two of the lots are private beaches owned by the lots east of Holmes Point Drive. Currently, 6 of the lots are non-conforming under the City's prior setback standard of 15% of the average parcel depth with a 15' minimum.

- **Single family study area #4** (see Attachments 2 and 6):
This study area is the most northerly shoreline area. The lots are generally deep and homes are not close to the lake with a few exceptions.

As done with the setback analysis for the SMP update, a **variety of setback options** were overlaid on the shoreline lots using GIS aerial mapping. The number of new non-conformances, loss in open spaces and potential gain in new native landscaping were estimated. The proposed setback standard for each study area represents the "**sweet spot**" where the number of non-conformances is the lowest and a ratio of 3 to 1 on the loss in open space to gain in new native landscaping is generally achieved.

Since the number of new non-conformances in the annexation area is higher than preferred and in comparison to the city's shoreline area, an additional setback reduction option is proposed for existing non-conforming homes in addition to the reductions options available in Section 83.390. This setback reduction option is a **reduction in the average parcel depth by 5 percentage points, provided that the minimum setback is still met and native plantings are increased from 10' in depth to 20' in depth**. This setback reduction option would result in at least 12 fewer non-conforming homes of those that are likely to redevelop. As with the setback reduction provisions in Section 83.390, staff believes that it can justify to DOE that the additional native planting area offsets the reduction in shoreline setback.

- (c) The annexation's **multifamily (RM) area** contains only 3 lots. 2 of the 3 lots have a setback of 45 feet. The other lot contains several vacant single family homes and the site is on the market for redevelopment. All 3 lots have very similar lot depths. The existing setback of 45 feet is the proposed setback standard for this area. An average parcel depth standard is not needed since the parcel depths are the same for these 3 lots (see Attachments 1 and 7).
- (d) The **Cumulative Impact Analysis (CIA)** has been revised to incorporate the proposed setbacks for the annexation area. It has been determined that the No Net Loss provision would be met over the next 20 years with the proposed setbacks in conjunction with the required new native vegetation for new development or redevelopment, new lighting and porous materials standards, and the City's Restoration Plan. The information in the chart below has been included in the revised CIA found in [Attachment 9](#) of the Planning Commission packet of September 23.

Below is a table that summaries the analysis that has been done. Included are estimated conversion of open space loss and addition of new native landscaped buffer along with the number of non-conformances for the annexation's single family area.

RS Zones

	# of Lots	Existing Non-Conformances	Total Non-Conformances	Conversion of Open Space	Conversion of Open Space (Acres)	New Landscape Buffer Area	Existing Median Setback	New Median Setback
RS1	58.0	12.0	23.0	118,507.0		21,250.0		
	7.0	4.0	4.0	0.0		0.0		
	29.0	8.0	13.0	28,103.0		11,050.0		
	13.0	1.0	3.0	12,649.0		6,800.0		
	10.0	3.0	4.0	7,848.0		5,100.0		
	16.0	1.0	3.0	30,695.0		12,750.0		
	11.0	2.0	5.0	22,759.0		5,950.0		
RS 1 sum	144.0	31.0	55.0	220,561.0		62,900.0		
RS2	33.0	8.0	13.0	9,720.0		18,700.0		
RS3	12.0	6.0	6.0	5,480.0		2,550.0		
RS4	28.0	2.0	8.0	59,315.0		11,050.0		
Annexation Area Sum	217.0	47.0	82.0	295,076.0	6.8	95,200.0	46.3	41.5
City sum	97.0			77,972.4	1.8	23,958.0	40.1	36.0
Total City + Annexation Area	314.0			373,048.4	8.6	119,158.0	45.2	37.9

Option: 5% Setback Reduction for Nonconforming Residences, with Additional Landscaping

	# of Lots	Existing Non-Conformances	Total Non-Conformances	Conversion of Open Space	Conversion of Open Space (Acres)	New Landscape Buffer Area	Existing Median Setback	New Median Setback
RS1	58.0	12.0	22.0	119,927.0	2.8	21,250.0		
	7.0	4.0	4.0	0.0	0.0	0.0		
	29.0	8.0	9.0	31,329.0	0.7	12,750.0		
	13.0	1.0	3.0	12,649.0	0.3	6,800.0		
	10.0	3.0	4.0	7,848.0	0.2	5,100.0		
	16.0	1.0	1.0	32,704.0	0.8	14,450.0		
	11.0	2.0	3.0	22,256.0	0.5	6,800.0		
RS 1 sum	144.0	31.0	46.0	226,713.0	5.2	67,150.0		
RS2	33.0	8.0	13.0	9,720.0	0.2	18,700.0		
RS3	12.0	6.0	6.0	5,480.0	0.1	2,550.0		
RS4	28.0	2.0	5.0	61,192.0	1.4	11,900.0		
Annexation Area Sum	217.0	47.0	70.0	303,105.0	7.0	100,300.0		
City sum	97.0			77,972.4	1.8	23,958.0	40.1	36.0
Total City + Annexation Area	314.0			381,077.4	8.7	124,258.0		

An **example of the setback option reduction** that allows the reduction of the average parcel depth by 5 percentage points is as follows: a lot that is 175' deep in the RS#1A study area with a setback requirement of 30% of the average parcel depth and a 30' minimum and 80' maximum would have a required setback of **52.5'**. With the setback alternative option, the setback would be reduced to **43.75'** with 20 feet of native landscaping.

B. Covered Boat Moorage, such as Boathouses (see Attachment 8)

1. Proposed Amendments

- Amend Section 83.550.5 (non-conformances) to require removal of covered boat moorage or similar structures, excluding conforming boat canopies, with a pier addition, construction of a new home or a major addition to a home. A reference to the requirement is also provided in Section 83.270 for the piers and docks standards.
- Amend Section 83.550.5 (non-conformances) to limit the installation of new doors and windows to be installed in nonconforming structures to those that are landward of the OHWM, but to allow roof and walls of nonconforming covered boat moorage and similar structures to be replaced with transparent fabric material similar to boat canopies.

2. Background Information

The new shoreline regulations permit canopies to cover a boat, but not other types of covered boat moorages, such as boathouses. Under Section 83.270, boathouses and similar structures must be removed if within 30' waterward of the ordinary high water mark (OHWM) when an associated pier is replaced, enlarged or has major repair. Unlike the existing city, the annexation area appears to have numerous boathouses and many of these structures are more than 30' waterward from the OHWM.

These structures have impact to juvenile fish due to the large size of these structures. Overwater structures shade the lake forcing juvenile fish to go around the structures and out into deeper waters to avoid predatory fish that hide under the shaded structures. Yet deeper waters also contain predatory fish.

These boathouse structures are major non-conformances and should be removed and replaced with boat canopies that meet the standards in Section 83.270.

In addition to requiring that boathouses be removed, the text in the non-conformance Section 83.550.5.b.2 for allowing new doors and windows to be installed on walls that are non-conforming should be revised to exclude structures landward of the OHWM. The prior code would not have allowed these changes to a home in the shoreline setback. This new provision was added to the SMP so that someone could add a window and/or door to a home in the shoreline setback. At the time of discussion of this regulation with the SMP update, it was not contemplated to include boathouses waterward of the OHWM. As

discussed above, boathouses are major non-conformances and changes to these structures should be limited to maintenance and repair and not upgrades.

Lastly, at the September 23, 2010 meeting, the Planning Commission decided to consider allowing the solid walls and roof of existing nonconforming covered boat moorage and similar structures to be replaced with transparent fabric material. Under the current regulations no change to the roof or structural walls is permitted.

C. Extra Pier Located 30' Beyond the OHWM (see Attachment 8)

1. Proposed Amendment

Amend Section 83.550.5 (non-conformances) to require removal of extra piers beyond 30' waterward of the OHWM with additions to main piers, construction of new homes or major additions to homes. A reference to the requirement is also provided in Section 83.270 for the piers and docks standards.

2. Background Information

A few of the properties in the annexation area have more than one pier. Current regulations would require removal of any portion of that extra pier within 30' waterward of the OHWM for replacement, major repair or an addition to the main pier. For the same reasons discussed above for boathouses, portion of these extra piers more than 30' of the OHWM should be removed with any addition to the main pier, construction of a new home or a major addition to a home.

D. Non-conforming Structures located in the Shoreline Setback (see Attachment 8)

1. Proposed Amendment

Amend Section 83.550.5 (non-conformances) to require removal of non-conforming structures in the shoreline setback with additions to the main piers. A reference to the requirement is also provided in Section 83.270 for the piers and docks standards.

2. Background Information

Many properties appear to have non-conforming structures in the shoreline setback. The current regulations in Section 83.550 require removal of these structures if the associated home is rebuilt or has a major addition. However, some of these structures are for storage of boats that are related to and support the activities associated with piers. The structures in the shoreline setback cover important near shore space where native vegetation could be planted to provide wildlife habitat that improves the ecology of the lake. If major additions to homes require removal of these structures, then the same should be the case for additions to piers.

3. Issue of Consistency between the City and Annexation Area

At the September 23, 2010 meeting, the Planning Commission decided to consider requiring removal of non-conforming structures in the shoreline setback with additions to piers. Staff would like to make the Planning Commission aware that this amendment would only apply to the annexation area since the scope of this amendment project is limited to the annexation area and to minor amendments to Chapter 83 that are of a non-policy nature.

E. **Stream Buffer Setbacks in Annexation Area** (see Attachment 8)

1. Proposed Amendments

Amend Section 83.510 to require the following stream buffer standards in the annexation (see Attachment 8):

- Type F stream is 115'
- Type N stream is 65'
- Type O stream is 25'
- 1/4 buffer reductions may be allowed

2. Background Information

With the SMP update, the City incorporated the stream buffer width standards used in the City's current critical area ordinance of Chapter 90 in the Zoning Code in the shoreline regulations of Section 83.510. These standards were adopted before DOE required buffers to be based on "best available science" standards that result in greater stream buffer standards. DOE accepted the City's smaller stream buffer standards for the SMP update because all but one stream along the City's shoreline area are contained within wetlands and wetlands require a much wider buffer width than streams, and thus greater protection. Buildings at the Carillon Point Master Plan site surround the one stream not located in a wetland system. The site is fully developed and wider stream buffer standards could not be provided given existing site conditions.

The annexation shoreline area contains streams, but none of the streams are located in wetland systems. The City's stream standards in Section 83.510 need to be amended for the annexation area to reflect the "best available science" standards. The stream buffer standards and classification system (Type F, N and O) in the above recommendation are the same as adopted by King County and many other jurisdictions.

F. **View Corridors for Multi-family Uses** (see Attachment 8)

1. Proposed Amendment

Amend Section 83.410 (view corridors) to include NE Juanita Drive so that view corridors can be required for the multifamily developments in the annexation area.

2. Background Information

The City's shoreline regulations require that **new multi-family developments** provide view corridors of 30% of the average parcel width across properties from the adjacent right-of-ways (Section 83.410). This view corridor regulation was also in the City's past SMP. The County does not have view corridor regulations for multi-family uses under its current SMP. Thus, the existing multifamily developments in the annexation area do not have view corridors across their properties. As these multifamily sites redevelop in the future, particularly the one underdeveloped property, a view corridor across the property would be feasible with the topography and the location of the abutting public right-of-way.

Section 83.410 concerning view corridors states that developments located west of Lake Washington Blvd and Lake Street South shall include a public view corridor. This text needs to be revised to add NE Juanita Drive to make the requirement applicable to the multifamily developments in the annexation area (see Attachment 8).

G. Miscellaneous Amendments to Chapters 83 and 141/Shoreline Regulations (see Attachment 9)

1. Proposed Amendments

- Amend Section 83.80 to revise the **definition** for primary structures and add a definition for moorage facility.
- Change text throughout Chapter 83 from the **directional references of north, south, east and west** to a different description since part of the annexation area has a different directional orientation to the lake than the city. These changes are found in Section 83.80, 83.200, 83.220, 83.270, 83.400 and 83.550.
- Revise Sections 83.170 and 180 (charts) for Permitted Uses and Shoreline Development Standards to **reference NE Juanita Dr.** as needed; to add the **height and density standards for the annexation** RSA and RMA zones; and to correct the **density standard** listed in the SMP to match the associated uses zone charts for the Neighborhood Business (BN), Planned Area (PLA) 6A and 6I areas in the existing city, and in the single family area on the Houghton slope to match what is allowed under the Comprehensive Plan. The intent of the SMP is to reflect the existing allowed densities established in the use zone charts and in the Comprehensive Plan. All of these properties are the east side of Lake Washington Blvd but within the SMP area.
- Revise Section 83.190 to clarify how the **average setback standard** along Lake Ave West is administered, including that decks and patios are not used in the measurement, that **motorized boats and float planes** and other similar items cannot be stored or parked in the shoreline setback and when **retaining walls** are permitted in the shoreline setback.
- Revise Section 83.380 for the setback reduction option to reference the **new single family suffixes** for the shoreline setback standards, and to clarify that an applicant must show that **removal of a hard shoreline stabilization measure**

along with reduction in the shoreline setback will not result in the need of a new hard shoreline stabilization measure at a later date.

- Clarify the **soft shoreline stabilization submittal requirements** in Section 83.300.
- Clarify in Section 83.330 the situations when a **land surface modification** is allowed in the shoreline setback.
- Revise Section 83.550.2 to state that a non-conforming structure can be repaired and maintained but **not replaced**, unless otherwise allowed in the section.
- Revise Chapter 141 to reflect moving the **code enforcement regulations** to the Kirkland Municipal Code and to clarify **lapse of approval** for projects that are exempt from an SDP and have no required development permit.
- Minor clarification to various texts.

2. Background Information

Some text needs to be changed to reflect conditions in the annexation area. Also, the Planning Department is now implementing the new shoreline regulations and has found needed minor clarifications and corrections. Lastly, the code enforcement provisions have been moved from the Zoning Code to the KMC so a reference needs to be made to that document.

VI. REVISIONS TO THE RESTORATION PLAN (see Attachment 10)

A. Proposed Amendment

Revise the Restoration Plan to include potential future improvements to the shoreline at O. O. Denny Park.

B. Background Information

As required by the State Guidelines, the City prepared a Shoreline Restoration Plan that contains projects and programs that will improve the ecological function of the shoreline over the next 20 years. Most of the projects are improvements to the shoreline at city parks that consist of replacing the boards at city piers with open grating, removing bulkheads and installing soft shoreline stabilization, removal of invasive vegetation and the planting of native vegetation in lieu of lawn.

O. O. Denny Park contains a bulkhead and invasive plants that should be removed in the future. The long range plan for the park includes removal of these items. The Restoration Plan needs to be revised to include these future improvements to O. O. Denny Park.

VII. **AMENDMENTS TO OTHER CHAPTERS IN THE ZONING CODE (Attachment 11)**

A. Proposed amendment

- Revise the annexation's **RSA and RMA use zone charts** to include references to the new shoreline chapter, allow a reduction in the front yard if the required shoreline setback is provided similar to the Waterfront District II (WDII) zone and allow for private beaches when part of a residential lot.
- Make minor edits to the WDII use zone charts for the text concerning the **new provision for 15% reduction for the gross floor area** for the upper floor to simplify the description of the provision and to delete the reference to **floor area ratio (FAR) requirements** found in Section 115.42 for what is included in gross floor area. FAR excludes covered decks and upper floor decks with solid railings which were not intended when the new WDII provision was written to provide upper floor modulation when a 5' side yard setback is provided.
- Revise **Chapters 135, 140 and 160**, the standards and processes for amending the Zoning Code and Comprehensive Plan to include that Chapter 83 and 141 KZC and the Shoreline Area chapter of the Comprehensive Plan are subject to DOE review and approval.

B. Background Information

The annexation area's use zone charts of RSA and RMA need to be changed to be consistent with the city's WDI and WDII shoreline use zone charts to reflect the SMP update. The Planning Department is now implementing the new shoreline regulations and has found some needed minor clarifications and corrections to the WDII charts.

Text needs to be added to Chapters 135, 140 and 160, the standards and process for amending the Zoning Code and Comprehensive Plan, to include that Chapter 83 and 141 KZC and the Shoreline Area Chapter of the Comprehensive Plan are subject to DOE review and approval. The prior SMP was a separate document from the Zoning Code and the Comprehensive Plan. Now that the SMP components are in the Zoning Code and Comprehensive Plan, text about DOE review and approval needs to be added.

These zoning code amendments are not subject to DOE approval.

VIII. **CRITERIA FOR AMENDING THE ZONING CODE AND COMPREHENSIVE PLAN**

Criteria found in the Zoning Code must be considered when reviewing changes to the Zoning Code or Comprehensive Plan.

A. Criteria for Amending the Zoning Code:

KZC 135.25 establishes the criteria for evaluating text amendments to the Zoning Code. These criteria and the relationship of the proposal to them are as follows:

Criteria 1 - The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and

The proposed new and revised development standards are consistent with the Comprehensive Plan goals and policies established for shoreline management.

Criteria 2 - The proposed amendment bears a substantial relation to public health, safety, or welfare; and

Consistent with the provisions of RCW 90.58.020, the proposed new and revised regulations protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

Criteria 3 - The proposed amendment is in the best interest of the residents of Kirkland.

As noted above, the SMP's approach to public access, shoreline appropriate uses, and protection of shoreline ecological functions enable current and future generations to enjoy an attractive, healthy and safe waterfront.

B. Criteria for Amending the Comprehensive Plan:

KCZ 140.30 establishes that the criteria for evaluating a Comprehensive Plan Amendment. Below is a list of the criteria followed by staff analysis.

Criteria 1 - The amendment must be consistent with the Growth Management Act.

RCW 36.70A.480(1) of the Growth Management Act added the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the GMA. As a result, the goals and policies of the SMP are considered an element of Kirkland's comprehensive plan. All other portions of the shoreline master program, including use regulations, are considered a part of Kirkland's development regulations."

RCW 90.58.020 (The Act) contains the following **key principles**, which are followed by a brief staff response to the provisions:

- *Provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.*

The amended SMP allows for a diversity of appropriate uses within the shoreline area consistent with the varied character of the shorelines within the city, including water-dependent, water-related, water-enjoyment uses, as well as single family and shoreline recreational uses. The annexation's shoreline area is a collection of varied neighborhoods, each containing their own distinctive character as well as biological and physical condition along the shoreline.

- *Protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*

The amended SMP contains standards that address these important issues, including new shoreline setback, pier and other overwater structures standards that are updated to better reflect the current level of environmental protection being used by other state and federal agencies with jurisdiction.

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

O.O. Denny Park contains 7 acres of park in the annexation area and will be designated as Urban Conservancy. The remaining annexation shoreline is fully developed with single-family residential or multifamily uses. The SMP recognizes and responds to this existing pattern of development and ensures that uses in this area are properly limited and conditioned to protect and retain existing ecological functions.

- *Shorelines and shorelands of the state shall be appropriately classified.*

The shoreline has been classified into different shoreline environments based upon consideration of the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through the Comprehensive Plan and associated neighborhood plans. As a result of the developed character and diminished ecological functions along the annexation's shoreline, the existing land use and Comprehensive Plan provisions were key considerations in classifying the shoreline designations. The existing biological character of the shoreline primarily plays a role in distinguishing between Urban Conservancy and residential environment designation assignments.

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

The amended SMP has been crafted in consideration of potential adverse impacts that can be associated with uses or activities – these impacts have been avoided or minimized, where possible, by carefully selecting allowed uses, and providing policies and standards to prevent or minimize adverse impacts. In addition, the amended SMP establishes new mitigation measures for different uses and activities.

Criteria 2 - The amendment must be consistent with the countywide planning policies.

The SMP is consistent with the principles and reflect the land use management provisions previously established in the Comprehensive Plan, which have been determined to be consistent with countywide planning policies. In addition, the countywide planning policies contain this specific provision (CA-9) addressing shoreline management:

Natural drainage systems including associated riparian and shoreline habitat shall be maintained and enhanced to protect water quality, reduce public costs, protect fish and wildlife habitat, and prevent environmental degradation. Jurisdictions within shared basins shall coordinate regulations to manage basins and natural drainage systems which include provisions to:

- a. Protect the natural hydraulic and ecological functions of drainage systems, maintain and enhance fish and wildlife habitat, and restore and maintain those natural functions;*
- b. Control peak runoff rate and quantity of discharges from new development to approximate pre-development rates; and*
- c. Preserve and protect resources and beneficial functions and values through maintenance of stable channels, adequate low flows, and reduction of future storm flows, erosion, and sedimentation.*

The amended SMP contains a number of provisions to ensure consistency with these priorities, including new enlarged setback areas to provide more space for ecological functions, new provisions for vegetation to be established at the shoreline edge, provisions addressing clearing and grading, tree removal and wider stream buffer standards. The SMP also encourages the use of low-impact development practices, where feasible, to reduce the amount of impervious surface area.

Criteria 3 - The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.

The amended SMP is consistent with other element chapters.

Criteria 4 - The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

The objectives of the SMP, which are consistent with this principle, have been to:

- Enable current and future generations to enjoy an attractive, healthy and safe waterfront.
- Protect the quality of water and shoreline natural resources to preserve fish and wildlife and their habitats.
- Protect the City's investments as well as those of property owners along and near the shoreline.
- Produce an updated Shoreline Master Program (SMP) that is supported by

- Kirkland's elected officials, citizens, property owners and businesses, the State of Washington, and other key groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.

The amended SMP strives to achieve these objectives by promoting public access opportunities, providing for appropriate shoreline uses, and protecting shoreline natural resources through a number of different provisions, including environment designations, shoreline setbacks, lot coverage , lighting, water quality, clearing and grading, and vegetation standards along with new stream buffer standards.

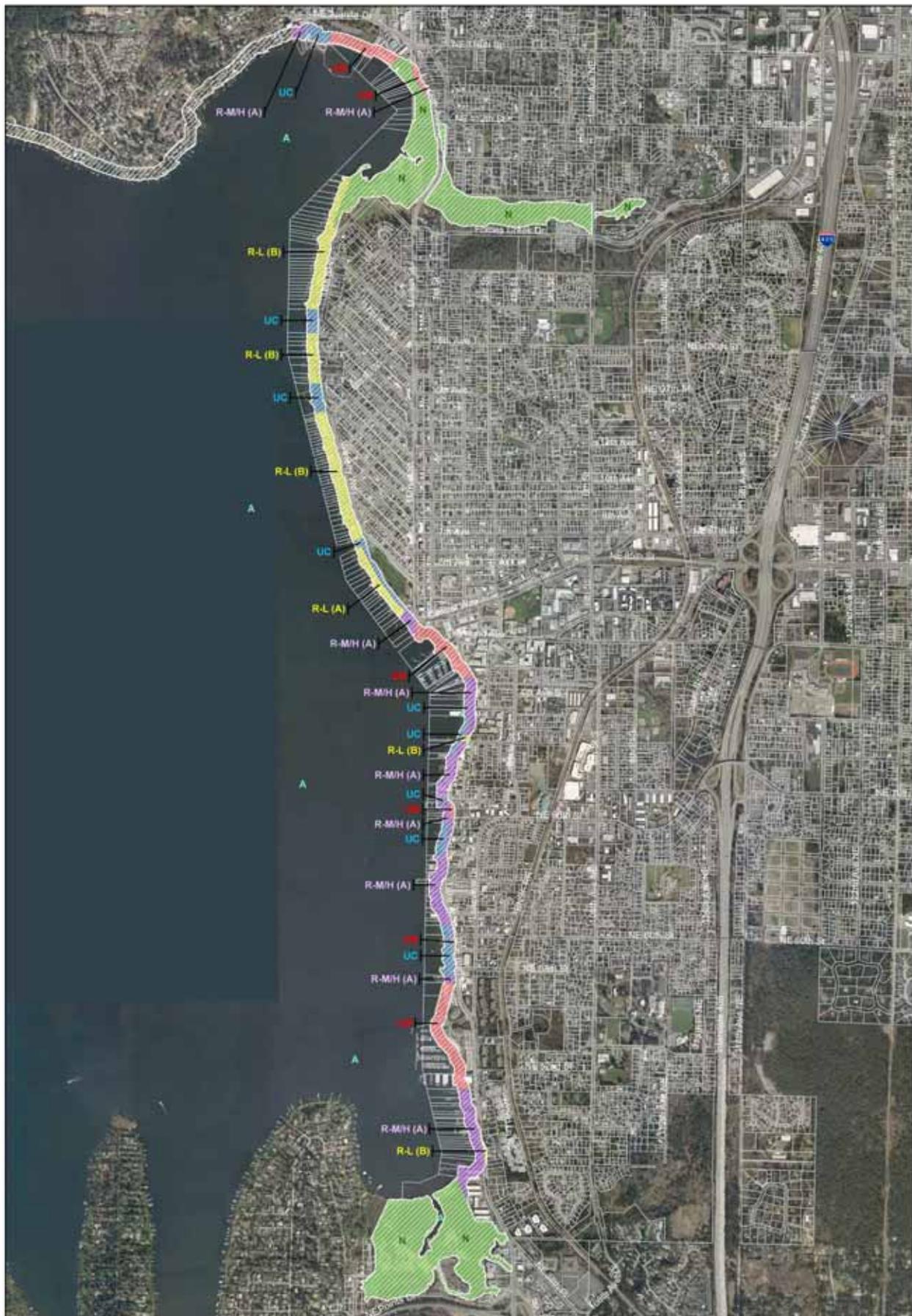
XI. ENVIRONMENTAL REVIEW (SEPA)

A SEPA checklist will be issued for the project on October 13, 2010. See official file for a copy of the checklist.

X. ATTACHMENTS

1. Proposed amendments to the Shoreline Environment Designations Map
2. Shoreline setback study areas map
3. RS study area #1 setback, options by subarea
4. RS study area #2 setback option
5. RS study area #3 setback option
6. RS study area #4 setback option
7. RM study area setback option
8. Amendments to Chapter 83 (setbacks, piers and docks, views, streams and non-conformances) and Chapter 141
9. Miscellaneous amendments to Chapter 83
10. Revisions to Restoration Plan (only revised pages)
11. Proposed amendments to other chapters of the KZC (RSA, RMA, WDII and Chapters 130, 135 and 160)) not subject to DOE approval

cc: File No. ZON06-00017, Sub-file #12



0 1,600 3,200 Feet
Scale: 1" = 1,600'

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply, superseding the incorrect or outdated map.

Shoreline Environment Designations Shoreline Master Program - City of Kirkland

- ▲ Aquatic
- Residential - Low
- Urban Conservancy
- Urban Mixed
- Residential - Medium/High
- Natural
- Tax Parcels
- Shoreline Management Area

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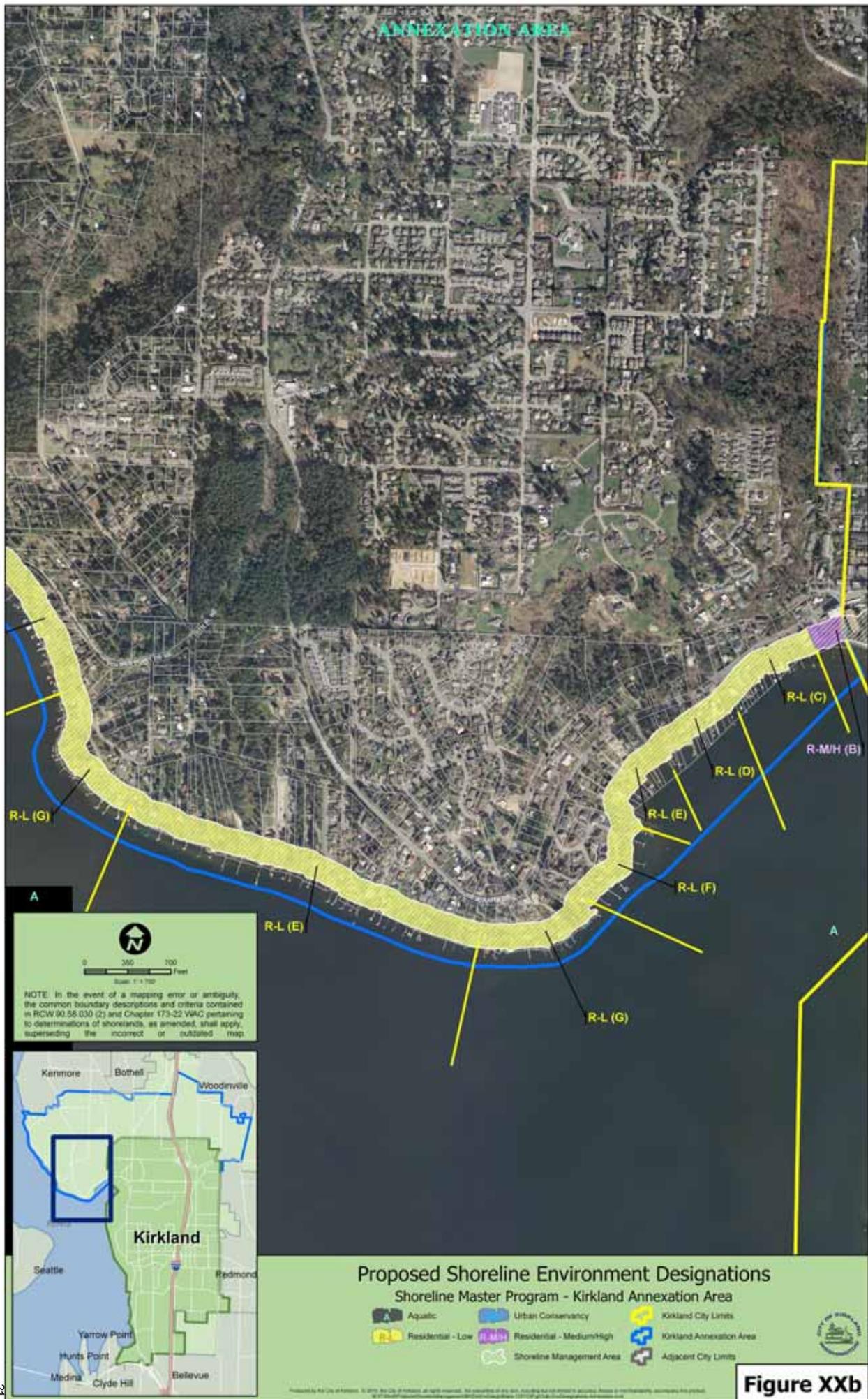


Figure XXb



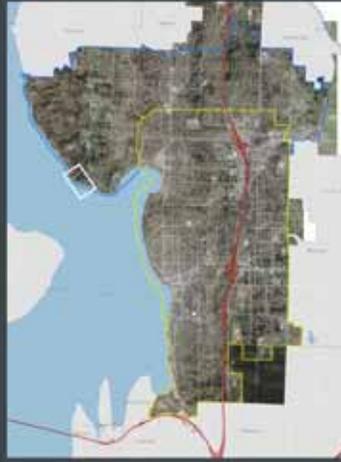


NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

Shoreline Setback Regulation for RS-1 Study Area - Variable Average Parcel Depth w/ Variable Minimum
Shoreline Master Program - Kirkland Association Area

20' Minimum Setback	20% Average Setback	Ordinary High Water Mark	Adjacent City Limits
30' Minimum Setback	30% Average Setback	Shoreline Management Area	Shoreline Association Area
15% Average Setback	60' Maximum Setback	Tier 1 Parcel	
20% Average Setback	80' Maximum Setback	Kirkland City Limits	

FIG-XXa



RS-1C
 20% Average Setback
 30' Minimum Setback
 60' Maximum Setback

RS-1A
 30% Average Setback
 30' Minimum Setback
 80' Maximum Setback

4 80 160 320 640
 Feet

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

Shoreline Setback Regulation for RS-1 Study Area - Variable Average Parcel Depth w/ Variable Minimum
 Shoreline Master Program - Kirkland Association Area

20' Minimum Setback	20% Average Setback	Ordinary High Water Mark	Adjacent City Limits
30' Minimum Setback	30% Average Setback	Shoreline Management Zone	Shoreline Association Area
15% Average Setback	60' Maximum Setback	Tier 1 Shoreland	
20% Average Setback	80' Maximum Setback	Adjacent City Limits	

FIG-XXb



NOTE: In the event of a mapping error or ambiguity the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

Shoreline Setback Regulation for RS-1 Study Area - Variable Average Parcel Depth w/ Variable Minimum
Shoreline Master Program - Kirkland Association Area

20' Minimum Setback	20% Average Setback	Citywide High Water Mark	Adjacent City Limits
30' Minimum Setback	30% Average Setback	Shoreline Management Zone	Shoreline Association Area
15% Average Setback	60' Maximum Setback	Tier 1/2/3/4	Kirkland City Limits
20% Average Setback	60' Maximum Setback		

FIG-XXd





 0 50 100 200 300 400

 Feet

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

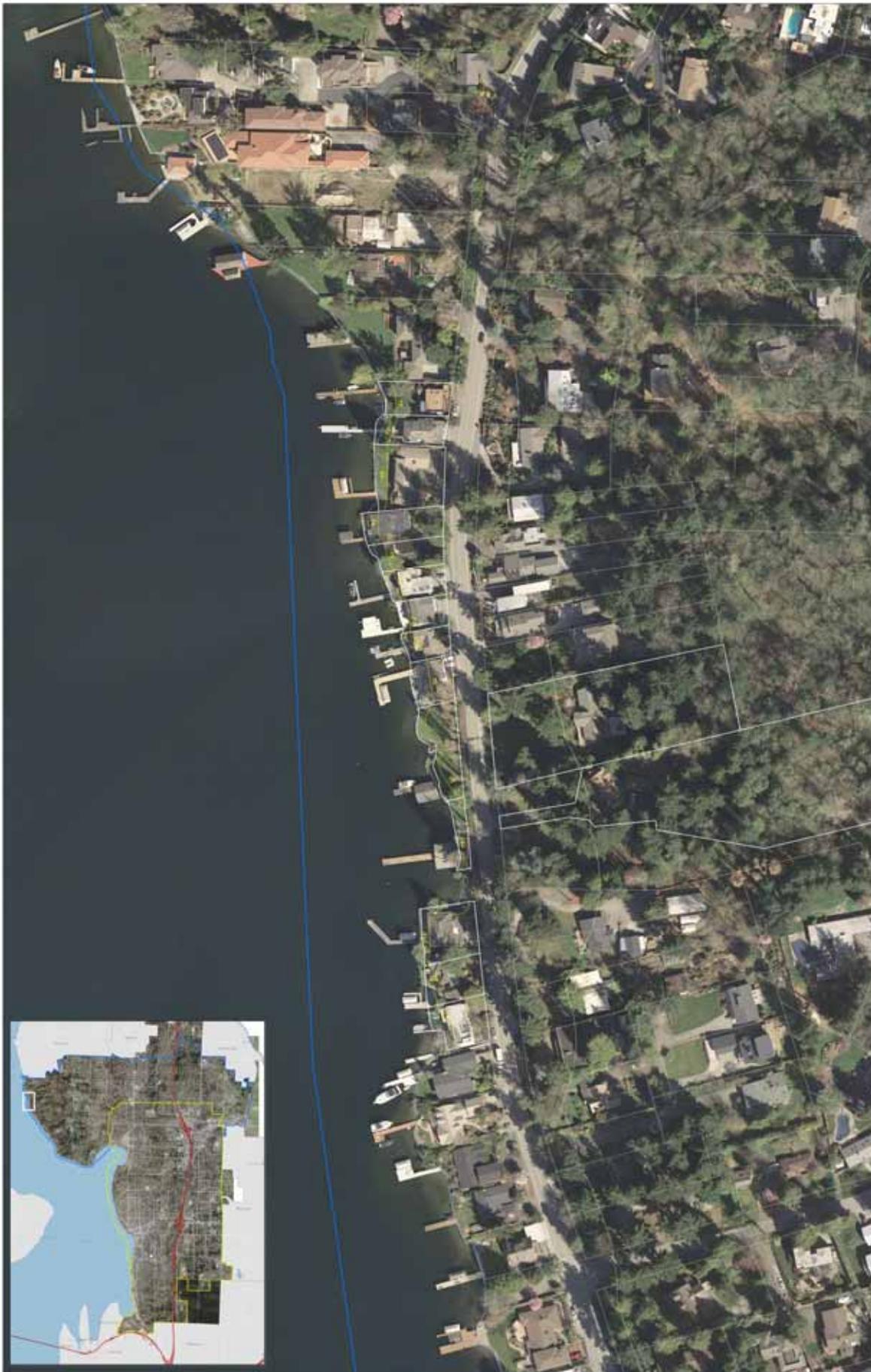
Shoreline Setback Regulation for RS-2 Study Area - 20% Average Parcel Depth w/ 25' Minimum

Shoreline Master Program - Kirkland Association Area

<ul style="list-style-type: none"> — 25' Minimum Setback — 20% Average Lot Depth — Ordinary High Water Mark — Shoreline Management Area 	<ul style="list-style-type: none"> — No Riparian — Kirkland City Limits — Puget Sound City Limits — kirkland.wa.gov/development/development-services
---	--



FIG-XX



0 50 100 200 300 Feet

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

Shoreline Setback Regulation for RS-3 Study Area - 15' Minimum (No Average Lot Depth)

Shoreline Master Program - Kirkland Association Area

15' Minimum Setback	No. Poles
Ordinary High Water	Wetland 100' Limit
Shoreline Management Area	Adjacent City Limits
	Shoreland Withdrawal Area

FIG-XX



4 80 160 240 320 400
feet

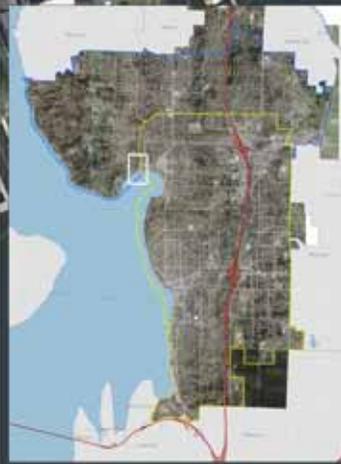
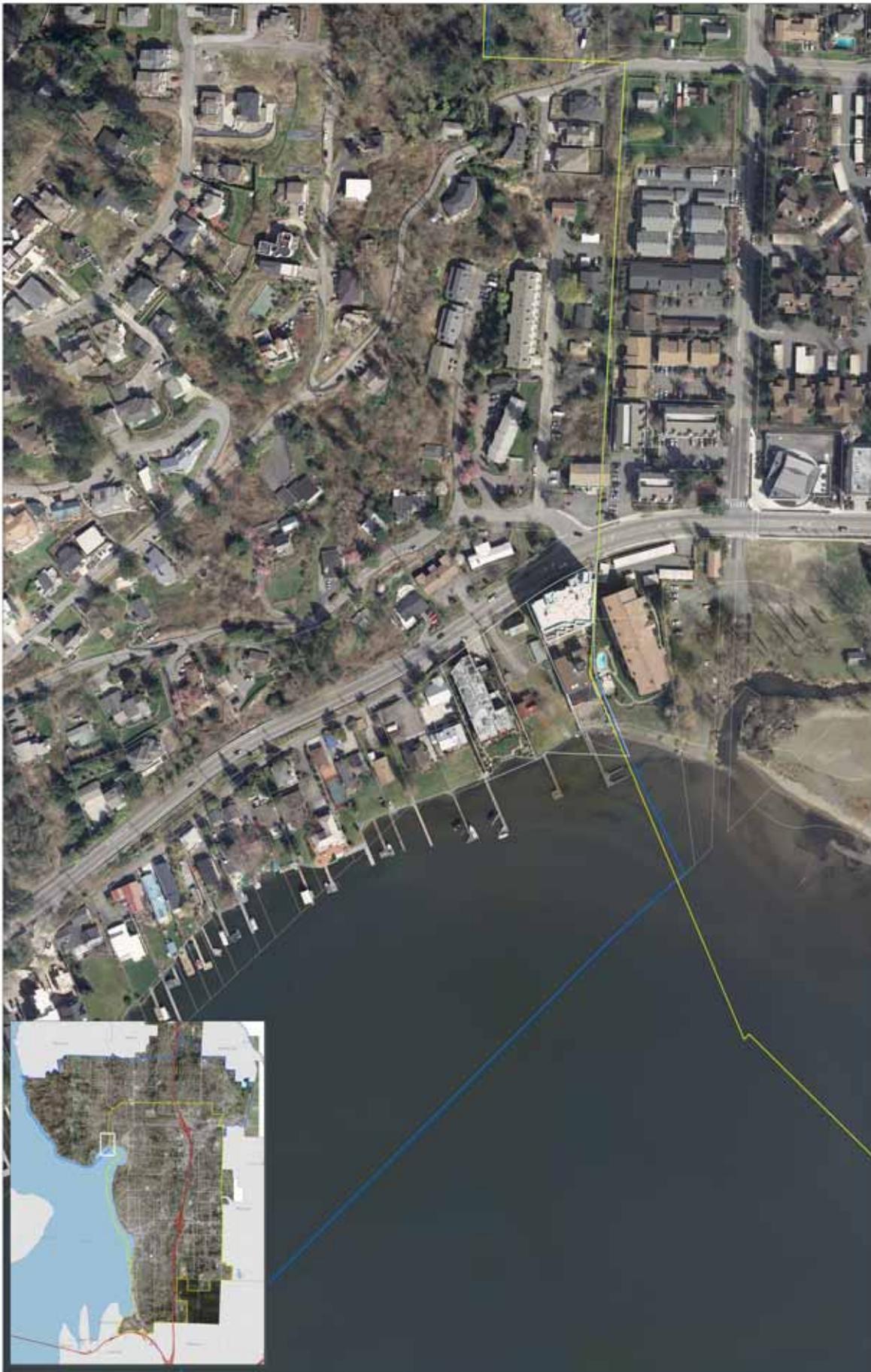
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NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply, superseding the incorrect or outdated map.

**Shoreline Setback Regulation for RS-4 Study Area -
30% Average Parcel Depth w/ 30' Minimum and 80' Maximum**
Shoreline Master Program - Kirkland Amusement Area

- 30% Average Setback
- 30' Minimum Setback
- 80' Maximum Setback
- Ordinary High Water Mark
- Shoreland Management Area
- Tax Parcel
- Municipal City Limits
- Proposed City Limits
- Potential Reclamation Study

FIG-XX



45' Minimum Setback

Ordinary High Water Mark

Shoreline Management Area

No. 100

Washouli City Limits

Popovici City Limits

Washouli Administrative Area

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply superseding the incorrect or outdated map.

Shoreline Setback Regulation for RM Study Area - 45' Minimum (No Average Lot Depth)

Shoreline Master Program - Kirkland Association Area

FIG-XX

The chart is coded according to the following legend. SD = Substantial Development ¹ CU = Conditional Use X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit	Natural	Urban Conservancy	Residential - L	Residential – M/H	Urban Mixed	Aquatic
Retail Establishment providing new or used Boat Sales or Rental	X	SD ³	X	CU ^{4,6}	SD ⁵	See adjacent upland environments
Retail establishment providing gas and oil sale for boats	X	X	X	CU ^{4,6}	CU ⁶	See adjacent upland environments
Retail establishment providing boat and motor repair and service	X	X	X	CU ^{4,6}	CU ⁶	X
Restaurant or Tavern ⁷	X	X	X	CU ⁴	SD	X
Concession Stand	X	SD ³	X	X	SD ³	X
Entertainment or cultural facility	X	CU ⁸	X	X	SD	X
Hotel or Motel	X	X	X	CU ⁹ /X	SD	X

¹ A development activity may also be exempt from the requirement to obtain a substantial development permit. See Chapter 141 KZC addressing exemption. If a development activity is determined to be exempt, it must otherwise comply with applicable provisions of the Act and this Chapter.

³ Permitted as an accessory use to a Public Park.

⁴ Permitted if located on the west side of Lake Washington Lake Blvd NE/Lake St S south of Lake Avenue West and north of NE 52nd Street, and south of NE Juanita Drive.

⁵ Permitted in the Juanita Business District or as an accessory use to a marina.

⁶ Accessory to a marina only.

⁷ Drive-in or drive-through facilities are prohibited.

⁸ Use must be open to the general public.

¹ A development activity may also be exempt from the requirement to obtain a substantial development permit. See Chapter 141 KZC addressing exemption. If a development activity is determined to be exempt, it must otherwise comply with applicable provisions of the Act and this Chapter.

⁹ ~~Permitted in Planned Area 3B if allowed through the Lakeview Neighborhood Plan.~~

The chart is coded according to the following legend. SD = Substantial Development ¹ CU = Conditional Use X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit	Natural	Urban Conservancy	Residential - L	Residential – M/H	Urban Mixed	Aquatic
Houseboats	X	X	X	X	X	X
Assisted Living Facility ¹⁸	X	X	X	CU	SD	X
Convalescent Center or Nursing Home	X	X	X	CU ¹⁹	SD ²⁰	X
Land division	SD ²¹	SD ²¹	SD	SD	SD	X
Institutional Uses						
Government Facility	X	SD	SD	SD	SD	X
Community Facility	X	X	X	X	SD	X
Church	X	X	X	CU ¹⁹	SD ²⁰	X
School or Day-Care Center	X	X	X	CU ¹⁹	SD ¹⁰	X
Mini-School or Mini-Day-Care Center	X	X	X	SD ¹⁹	SD ¹⁰	X
Transportation						
Water-dependent						
Bridges	CU	CU	SD	SD	SD	See adjacent upland environments
Passenger-only Ferry terminal	X	X	X	X	CU	
Water Taxi	X	SD ²²	SD ²²	SD ²²	SD ²²	

¹⁸ A nursing home use may be permitted as part of an assisted living facility use.

¹⁹ Permitted if located on the east side of Lake Washington Blvd NE/Lake St S, or the east side of 98th Avenue NE or north of NE Juanita Drive.

²⁰ Not permitted in the Central Business District. Otherwise, permitted if located on the east side of Lake Washington Blvd NE/Lake St S, the east side of 98th Avenue NE or on the south side of NE Juanita Drive.

²¹ May not create any new lot that would be wholly contained within shoreland area in this shoreline environment.

²² Permitted as an accessory use to a marina or a public park.

SHORELINE DEVELOPMENT STANDARDS

83.180. 3

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Residential Uses						
Detached Dwelling Units and Accessory Dwelling Units						
Minimum Lot Size	n/a	12,500 sq. ft.	12,500 sq. ft.	<u>R-L (A) and (B) environments:</u> 12,500 sq. ft. except for the following: <ul style="list-style-type: none"> • <u>5,000 sq. ft. if located on east side of Lake St S, at 7th Ave S; and</u> • <u>7,200 sq. ft. to 12,500 sq. ft. if located on the east side of Lake Washington Blvd NE between NE</u> 	<u>R-M/H (A) environment:</u> 3,600 sq. ft. <u>except</u> <ul style="list-style-type: none"> • <u>1,800 sq. ft. south of NE Juanita Drive and in PLA 6A zone</u> • <u>2,400 sq. ft. in PLA 6I zone</u> <u>R-M/H (B) environment:</u> <u>1,800 sq. ft.</u>	3,600 sq. ft.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
				<p>48th St. and NE 43rd St..</p> <ul style="list-style-type: none"> 7,200 sq. ft. if subject to the Historic Preservation provisions of KMC 22.28.048 <p>R-L(C) through (J) environments:</p> <ul style="list-style-type: none"> RSA 4 zone: maximum of 4 dwelling units per acre RSA 6 zone: maximum of 6 dwelling units per acre RSA 8 zone: maximum of 8 dwelling units per acre. 		

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Shoreline Setback ¹	n/a	Thirty (30) % of the average parcel depth, except in no case is the shoreline setback permitted to be less than 30 feet or required to be greater than 60 feet, except as otherwise specifically allowed through this Chapter.	Outside of shorelines jurisdictional area, if feasible, otherwise 50’.	Residential-L (R-L) setbacks be as follows, except as otherwise specifically allowed through this Chapter: (*see next page)	R-M/H (A) environment: The greater of: a. 25’ or b. 15% of the average parcel depth. R-M/H (B) environment: 45’ minimum	The greater of: a. 25’ or b. 15% of the average parcel depth.

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

Residential-L (R-L) setbacks shall be as follows, except as otherwise specifically allowed through this Chapter:

- R-L (A) Average adjacent setback of primary structures but not less than 15 ft. See Section 83.190.2 KZC for additional regulations.
- R-L (B) 30% of the average parcel depth but not less than 30 ft. and not required to be greater than 60 ft.
- R-L (C) 25% of average parcel depth but not less than 30 ft. and not required to be greater than 60 ft.
- R-L (D) 15% of average parcel depth but not less than 25 ft. and not required to be greater than 80 ft.
- R-L (E) 30% of average parcel depth but not less than 30 ft. and not required to be greater than 80 ft.
- R-L (F) 15% of average parcel depth but not less than 15 ft.
- R-L (G) 20% of average parcel depth but not less than 30 ft. and not required to be greater than 60 ft.
- R-L (H) 25% of average parcel depth but not less than 30 ft. and not required to be greater than 80 ft.
- R-L (I) 20% of average parcel depth but not less than 25 ft.
- R-L (J) 15 ft. minimum
- For properties containing non-conforming primary structures in the R-L (C) through R-L (I) shoreline environments, the average parcel depth percentage may be reduced by 5 percentage points, provided the following conditions are met:
 - The non-conforming structure must have been constructed prior to June 1, 2011, the date of annexation, based on the date of issuance of the occupancy permit.
 - The minimum setback standard is met for the shoreline environment; and
 - The required vegetation in the shoreline setback under KZC 83.400.3.b shall be increased from an average of 10 feet in depth from the OHWM to an average of 20 feet in depth from the OHWM. The vegetated portion may be a minimum of 10 feet in depth to allow for variation in landscape bed shape and plant placement. Total square feet of landscaped area shall be equal to a continuous 20-foot wide area.

DEVELOPMENT STANDARDS		SHORELINE ENVIRONMENT					
		Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
					<p>30% of the average parcel depth, except in no case is the shoreline setback permitted to be less than 30 feet or required to be greater than 60 feet, except as otherwise specifically allowed through this Chapter.</p> <p>For those properties located along Lake Ave W south of the Lake Ave W Street End Park, the following standard shall apply:</p> <p>If dwelling units exist immediately adjacent to both the north and south property lines of the</p>		

DEVELOPMENT STANDARDS		SHORELINE ENVIRONMENT					
		Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
					<p>subject property, then the shoreline setback of the primary structure on the subject property is the average of the shoreline setback of these dwelling units, but at a minimum width of 15 feet. If a dwelling unit is not adjacent to the subject property, then the setback of the property without a dwelling unit for the purposes of determining an average setback shall be based upon 30% of the average parcel depth. Also see KZC 83.190.2.b.3.</p>		
Maximum Lot Coverage	n/a	50%	50%	50%	50%	80%	80%, except in CBD zone 100% less area for shoreline

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
						vegetation if required.
Maximum Height of Structure ²	n/a	25' above ABE ³	35' above ABE	30' above ABE	35' above ABE	35' above ABE
Other Residential Uses (Attached, Stacked, and Detached Dwelling Units/multifamily; Assisted Living Facility; Convalescent Center or Nursing Home)						
Maximum Density ⁴	n/a	n/a	n/a	n/a	<u>R-M/H (A) environment:</u> 3,600 sq. ft./unit, except: <ul style="list-style-type: none"> • 1,800 sq. ft./unit for up to 2 dwelling units if the public access provisions of KZC 83.420 are met • <u>1,800 sq. ft. south of NE Juanita Drive and in PLA 6A zone</u> • <u>2,400 sq. ft. in PLA 6I zone</u> <u>R-M/H (B) environment:</u> 1,800 sq. ft./unit.	No minimum lot size in the CBD or BN zones; otherwise 1,800 sq. ft./unit

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4.

³ Structure height may be increased to 30' above ABE in the Natural shoreline environment. See KZC83.190.4.c.1

⁴ For density purposes 2 assisted living units shall be constitute one dwelling unit.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Shoreline Setback ¹	n/a	n/a	n/a	n/a	R-M/H (A) environment: The greater of: a. 25' or b. 15% of the average parcel depth. R-M/H (B) environment: 45' minimum	The greater of: a. 25' or b. 15% of the average parcel depth. In the PLA 15A zone located south of NE 52 nd Street, a mixed-use development approved under a master plan shall comply with the Master Plan provisions.
Maximum Lot Coverage	n/a	n/a	n/a	n/a	80%	80%, except in CBD zone 100% less area for shoreline vegetation if required.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Maximum Height of Structure ²	n/a	n/a	n/a	n/a	R-M/H (A) environment: 30' above ABE ⁵ R-M/H (B) environment: 35' above ABE	41' above ABE, except for the following: <ul style="list-style-type: none"> In the CBD zones, if located on the east side of Lake Street South, 55' above the abutting right-of-way measured at the midpoint of the frontage of the subject property. In the PLA 15A zone located south of NE 52nd Street, mixed-use developments approved under a master plan shall comply with the master plan provisions.⁶
Commercial Uses						
Minimum Lot Size	n/a	n/a	n/a	n/a	n/a	n/a

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

⁵ Structure height may be increased to 35' above ABE. See KZC 83.190.4

⁶ See KZC 83.190.4 for height in Master Plan.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Shoreline Setback ¹	n/a	n/a	Water-dependent uses: 0', Water-related use: 25', Water-enjoyment use: 30', Other uses: Outside of shorelines jurisdictional area, if feasible, otherwise 50'.	n/a	<p><u>R-M/H (A) environment:</u> The greater of: a. 25' or b. 15% of the average parcel depth</p> <p><u>R-M/H (B) environment:</u> <u>45' minimum.</u></p>	<p>The greater of: a. 25' or b. 15% of the average parcel depth.</p> <p>In the PLA 15A zone located south of NE 52nd Street, mixed-use developments approved under a master plan shall comply with the master plan provisions.</p>
Maximum Lot Coverage	n/a	n/a	50%	n/a	80%	80%, except in the CBD. In CBD, 100% less area for shoreline vegetation if required.

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Maximum Height of Structure ²	n/a	n/a	If adjoining the Residential-L (A) or (B) shoreline environment, then 25' above ABE. Otherwise, 30' above ABE. ³	n/a	RM-L (A) environment : 30' above ABE ⁵ R-M/L (B) environment 35' above ABE	41' above ABE, except for: <ul style="list-style-type: none"> In the CBD zones, if located on the east side of Lake St S, 55' above the abutting right-of-way measured at the midpoint of the frontage of the subject property. In the PLA 15A zone located south of NE 52nd Street, mixed-use developments approved under a master plan shall comply with the master plan provisions.⁶
Recreational Uses						
Minimum Lot Size	n/a	n/a	n/a	n/a	n/a	n/a
Shoreline Setback ¹	n/a	Water-	Water-dependent	Same as Detached	R-M/H (A) environment .	The greater of:

⁶ See KZC 83.190.4 for height in the Master Plan.

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

³ Structure height may be increased to 30' above ABE in the Natural shoreline environment. See KZC83.190.4.

⁵ Structure height may be increased to 35' above ABE. See KZC 83.190.4

DEVELOPMENT STANDARDS		SHORELINE ENVIRONMENT					
		Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
			dependent uses: 0', Water-related use: 25', Water-enjoyment use: 30', Other uses: Outside of shoreline area, if feasible, otherwise 50'.	uses: 0', Water-related use: 25', Water-enjoyment use: 30', Other uses: Outside of shorelines jurisdictional area, if feasible, otherwise 50'.	Dwelling Units uses 30% of the average parcel depth, except in no case is the shoreline setback permitted to be less than 30 feet or greater than 60 feet, except as otherwise specifically allowed through this Chapter.	The greater of: a. 25' or b. 15% of the average parcel depth. <u>R-M/H (B) environment 45' minimum</u>	a. 25' or b. 15% of the average parcel depth. In the PLA 15A zone located south of NE 52 nd Street, mixed-use developments approved under a Master Plan shall comply with the Master Plan provisions.
Maximum Lot Coverage		n/a	10%	30%	30%	80%	80%, except in CBD zone 100% less area for shoreline vegetation if required.
Maximum Height of Structure ²		n/a	25' above ABE	If adjoining the Residential-L (A) or (B) shoreline environment, then 25' above ABE. Otherwise, 30'	<u>R-L (A) and (B) environments:</u> 25' above ABE <u>R-L (C) through (J) environments:</u>	<u>R-M/H (A) environment:</u> 30' above ABE ⁴ <u>R-M/H (B) environment:</u> 35' above ABE.	41' above ABE, except for the following: <ul style="list-style-type: none">In the CBD zones, if located on the east side of Lake St S, 55' above

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

³ Structure height may be increased to 30' above ABE in the Natural shoreline environment. See KZC 83.190.4.

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
			above ABE ³	30' above ABE		the abutting right-of-way measured at the midpoint of the frontage of the subject property. <ul style="list-style-type: none"> In the PLA 15A zone located south of NE 52nd Street, mixed-use developments approved under a Master Plan shall comply with the Master Plan provisions.
Institutional Uses						
Minimum Lot Size	n/a	n/a	n/a	n/a	n/a	n/a
Shoreline Setback ¹	n/a	n/a	Outside of shorelines jurisdictional area, if feasible, otherwise 50'.	Same as Detached Dwelling Units uses Outside of the shorelines jurisdictional area, if feasible, otherwise 30% of the average parcel depth, except in no case	<u>R-M/H (A) environment:</u> The greater of: a. 25' or b. 15% of the average parcel depth. <u>R-M/H (B) environment:</u> <u>45' minimum</u>	The greater of: a. 25' or b. 15% of the average parcel depth.

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

DEVELOPMENT STANDARDS		SHORELINE ENVIRONMENT					
		Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
					is the shoreline setback permitted to be less than 30 ft. or required to be greater than 60 ft., except as otherwise specifically allowed through this Chapter.		
	Maximum Lot Coverage	n/a	n/a	50%	50%	80%	80%, except in CBD zone 100% less area for shoreline vegetation if required.
	Maximum Height of Structure ²	n/a	n/a	If adjoining the Residential-L (A) or (B) shoreline environment, then 25' above ABE. Otherwise, 30' above ABE ³	<u>R-L (A) and (B) environments:</u> 25' above ABE <u>R-L (C) through (J) environments:</u> 30' above ABE	<u>R-M/H (A) environment:</u> 30' above ABE ⁵ <u>R-M/H (B) environment:</u> 35' above ABE.	41' above ABE, except In the CBD zones, if located on the east side of Lake St S, 55' above the abutting right-of-way measured at the midpoint of the frontage of the subject property.
Transportation Facilities							
	Minimum Lot Size	n/a	n/a	n/a	n/a	n/a	n/a
	Shpreline Setback ¹	n/a	n/a	Outside of	<u>Same as</u>	<u>R-M/H (A) environment:</u>	The greater of:

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

DEVELOPMENT STANDARDS		SHORELINE ENVIRONMENT					
		Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
				shorelines jurisdictional, if feasible, otherwise 50'.	Detached Dwelling Units uses 30% of the average parcel depth, except in no case is the shoreline setback permitted to be less than 30 feet or required to be greater than 60 feet, except as otherwise specifically allowed through this Chapter.	The greater of: a. 25' or b. 15% of the average parcel depth. <u>R-M/H (B) environment: 45' minimum</u>	a. 25' or b. 15% of the average parcel depth.
Maximum Lot Coverage		n/a	n/a	n/a	n/a	n/a	n/a
Maximum Height of Structure ²		n/a	n/a	n/a	n/a	n/a	n/a
Utilities							
Minimum Lot Size		n/a	n/a	n/a	n/a	n/a	n/a

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

³ Structure height may be increased to 30' above ABE in the Natural shoreline environment. See KZC 83.190.4.

⁵ Structure height may be increased to 35' above ABE. See KZC 83.190.4

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
Shoreline Setback ¹	n/a	Outside of shoreline area, if feasible, otherwise 50'.	Outside of shoreline jurisdiction, if feasible, otherwise 50'.	Same as Detached Dwelling Units uses 30% of the average parcel depth, except in no case is the shoreline setback permitted to be less than 30 feet or required to be greater than 60 feet, except as otherwise specifically allowed through this Chapter.	<u>R-M/H (A) environment:</u> The greater of: a. 25' or b. 15% of the average parcel depth. <u>R-M/H (B) environment:</u> 45' minimum	The greater of: a. 25' or b. 15% of the average parcel depth.
Maximum Lot Coverage	n/a	5%	30%	50%	80%	80%, except in CBD zone 100% less area for shoreline vegetation if required.
Maximum Height of Structure ²	n/a	25' above ABE	If adjoining the Residential-L (A) or (B) shoreline environment, then	<u>R-L (A) and (B) environments:</u> 25' above ABE <u>R-L (C) through</u>	<u>R-M/H (A) environment:</u> 30' above ABE <u>R-M/H (B) environment:</u>	41' above ABE, except: <ul style="list-style-type: none"> In the CBD zones if located on the east side of Lake St South, 55'

¹ Critical area buffer and buffer setback requirements may impose a larger setback requirement. Please see KZC 83.500 and 83.510.

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

DEVELOPMENT STANDARDS	SHORELINE ENVIRONMENT					
	Aquatic	Natural	Urban Conservancy	Residential – L	Residential – M/H	Urban Mixed
			25' above ABE. Otherwise, 30' above ABE ³	(J) environments: 30' above ABE	35' above ABE. ⁵	above the abutting right-of-way measured at the midpoint of the frontage of the subject property. <ul style="list-style-type: none"> In the PLA 15A zone located south of NE 52nd Street, mixed-use developments approved under a Master Plan shall comply with the Master Plan provisions.⁵

² The height limit applies to that portion of the building physically located within the shoreline jurisdiction. Permitted increases in building height are addressed in KZC 83.190.4

³ Structure height may be increased to 30' above ABE in the Natural shoreline environment. See KZC83.190.4.

⁵ Structure height may be increased to 35' above ABE. See KZC 83.190.4

⁵ Structure height may be increased to 35' above ABE. See KZC 83.190.4

AMENDMENTS TO PIERS/DOCKS REGULATIONS

83.270 Piers, Docks, Moorage Buoys and Piles, Boatlifts and Boat Canopies Serving a Detached Dwelling Unit Use (Single-family)

1. General –

a. Piers, docks, moorage buoys and piles, boatlifts and canopies may only be developed and used accessory to existing dwelling units on waterfront lots or upland lots with waterfront access rights. Use of these structures is limited to the residents and guests of the waterfront lots to which the moorage is accessory. Moorage space shall not be leased, rented, or sold unless otherwise approved as a marina under the provisions of KZC 83.290.

b. [Only one \(1\) pier or dock may be located on a subject property.](#)

~~b.c.~~ In the following circumstances, a joint use pier shall be required:

- 1) On lots subdivided to create one or more additional lots with waterfront access rights.
- 2) New residential development of two or more dwelling units with waterfront access rights.

~~e.d.~~ Piers, docks, boatlifts and moorage piles shall be designed and located to meet KZC 83.360 for no net loss standard and mitigation sequencing.

~~d.e.~~ For proposed extension of structures proposed waterward of the inner harbor line, see KZC 83.370.

4. New Pier or Dock Dimensional Standards –

a. New piers or docks may be permitted, subject to the following regulations:

(Complete chart is not provided below but only portion to be amended)

New Pier, Dock or Moorage Piles for Detached Dwelling Unit (single-family)	Dimensional and Design Standards
Pilings and Moorage Piles	<p>Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.</p> <p>First set of pilings for a pier or dock shall be located no closer than 18 ft from OHWM.</p> <p>Moorage piles shall be located no closer than 30 ft. from the OHWM or any farther waterward than the end of the pier or dock.</p> <p>Moorage buoys are not permitted when a pier or dock is located on a subject property.</p> <p>Maximum 2 moorage piles per detached dwelling unit, including existing piles</p> <p>Maximum 4 moorage piles for joint use piers or docks, including existing piles</p>

6. Replacement of Existing Pier or Dock –

a. A replacement of an existing pier or dock shall meet the following requirements:

Replacement of Existing Pier or Dock for Detached Dwelling Unit (single-family)	Requirements
Replacement of entire existing pier or dock, including piles OR more than 50 percent of the pier-support piles and more than 50 percent of the decking or decking substructure (e.g. stringers)	Must meet the dimensional decking and design standards for new piers as described in KZC 83.270.4.a, except the City may administratively approve an alternative design described in subsection b. below.
Mitigation	<p><u>The following improvements shall be removed:</u></p> <p><u>1.</u> Existing skirting shall be removed and may not be replaced.</p> <p><u>2.</u> Existing in-water and overwater structures located within 30 feet of the OHWM <u>other than the subject replacement pier. Existing in-water structures, such as boatlifts, may be shifted farther waterward to comply with this requirement.</u> Existing or authorized shoreline stabilization measures <u>may be retained, shall be removed.</u></p>

7. Additions to Pier or Dock –

Proposals involving the addition to or enlargement of existing piers or docks must comply with the requirements below. These provisions shall not be used in combination with the provisions for new or replacement piers contained in KZC 83.270.4 and 6.

Addition to Existing Pier or Dock for Detached Dwelling Unit (single-family)	Requirements
Addition or enlargement	<p>Must demonstrate that there is a need for the enlargement of an existing pier or dock</p> <p>Examples of need include, but are not limited to safety concerns or inadequate depth of water</p>
Dimensional standards	Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in KZC 83.270.4.a
Decking for piers, docks walkways, ells and fingers	Must convert an area of decking within 30 ft. of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of 40%

	light transmittance through the material
Mitigation	<p>Planting and other mitigation as described in KZC 83.270.5</p> <p><u>The following improvements shall be removed:</u></p> <p><u>1.</u> Existing skirting shall be removed and may not be replaced.</p> <p><u>2.</u> Existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed at a 1:1 ratio to the area of the addition, except for existing or authorized shoreline stabilization measures and or ramp or the walkway of the pier or dock <u>being enlarged</u>.</p> <p><u>3.</u> Also see KZC 83.550.5 for extra piers and docks, non-conforming accessory structures in the required shoreline setback, and covered boat moorage structures, except for boat canopies that comply with KZC 83.270.9.</p>

83.280 Piers, Docks, Moorage Buoys, Boat lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units (Multi-family)

1. General –

a. Piers, docks, moorage buoy and piles, boatlifts and canopies may only be developed and used accessory to existing dwelling units on waterfront lots or upland lots with waterfront access rights. Use of these structures is limited to the residents and guests of the waterfront lots to which the moorage is accessory. Moorage space shall not be leased, rented, or sold unless otherwise approved as a Marina under the provisions of KZC 83.290.

~~a-b.~~ Only one (1) pier or dock may be located on a subject property.

~~b-c.~~ Piers, docks, boatlifts and moorage piles shall be designed and located to meet KZC 83.360 Mitigation Sequencing.

~~e-d.~~ See KZC 83.370 for structures to be extended waterward of the Inner Harbor Line.

a. Additions – Proposals involving the addition to or enlargement of existing piers or docks must comply with the following measures:

Additions to Pier, Dock or Moorage Piles for Detached, Attached or Stacked Dwelling Units (multi-family)	<u>Requirements</u>
Addition or enlargement	Must demonstrate that there is a need for the

	enlargement of an existing pier or dock
Dimensional standards	Enlarged portions must comply with the new pier or dock dimensional standards for length, width, height, water depth, location, decking material and pilings and for materials as described in KZC 83.280.5
Decking for piers, docks walkways, ells and fingers	Must convert an area of existing decking within 30 ft. of the OHWM with grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of 40% light transmittance through the material
Mitigation	<p>Plantings and other mitigation as described in KZC 83.280.6 above</p> <p><u>The following improvements shall be removed:</u></p> <ol style="list-style-type: none"> <u>1.</u> Existing skirting shall be removed and may not be replaced. <u>2.</u> Existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed at a 1:1 ratio to the area of the addition, except for existing or authorized shoreline stabilization measures and or pier or dock walkways or ramps, shall be removed at a 1:1 ratio to the area of the addition <u>3.</u> <u>3.</u> Also see KZC 83.550.5 for extra piers or docks, non-conforming accessory structures in the required shoreline setback, and covered boat moorage structures, except for boat canopies that comply with KZC 83.280.9.

AMENDMENTS TO THE VIEW CORRIDOR REGULATIONS

83.410 View Corridors

1. General - Development within the commercial and multifamily shoreline areas located ~~west of Lake Washington Boulevard and Lake Street South~~between principal arterials and Lake Washington shall include public view corridors that provide the public with an unobstructed view of the water. The intent of the corridor is to provide an unobstructed view from the adjacent public right-of-way to the lake and to the shoreline on the opposite side of the lake.
2. Standards -
 - a. For properties lying waterward of Lake Washington Boulevard, ~~and~~ Lake Street South and NE Juanita Drive in the Residential M-H shoreline environment designation, a minimum view corridor of thirty (30) percent of the average parcel width must be maintained. A view of the shoreline edge of the subject property shall be provided if existing topography, vegetation, and other factors allow for this view to be retained.
 - b. The view corridors approved for properties located in the Urban Mixed shoreline environment established under a zoning master plan or zoning permit approved under the provisions of Chapter 152 KZC shall continue to comply with those requirements. Modifications to the proposed view corridor shall be considered under the standards established in this Chapter and the zoning master plan.
3. Exceptions - The requirement for a view corridor does not apply to the following:
 - a. The following water-dependent uses:
 - 1) Piers and docks associated with a marina or moorage facility for a commercial use;
 - 2) Piers, docks, moorage buoys, boatlifts and canopies associated with detached, attached and stacked Unit uses; and
 - 3) Tour boat facility, ferry terminal or water taxi, including permanent structures up to 200 square feet in size housing commercial uses ancillary to the facility.
 - 4) Public access pier or boardwalk
 - 5) Boat launch
 - b. Public parks
 - c. Properties located in the Urban Mixed shoreline environment within the Central Business District zone and within the Juanita Business District zone.
4. View corridor location - The location of the view corridor shall be designed to meet the following location standards and must be approved by the Planning Official.
 - d. If the subject property does not directly abut the shoreline, the view corridor shall be designed to coincide with the view corridor of the properties to the west.
 - e. The view corridor must be adjacent to one of the two side property lines that intersect the OHWM either the north or south property line of the subject property, whichever will result in the widest view corridor, considering the following, in order of priority:

AMENDMENTS TO STREAMS REGULATIONS FOR ANNEXATION AREA**83.510 Streams**

1. Applicability – The following provisions shall apply to streams and stream buffers located within the shorelines jurisdiction, in place of provisions contained in Chapter 90 KZC. Provisions contained in Chapter 90 KZC that are not addressed in this section continue to apply, such as bond or performance security, dedication and liability, but the following subsections shall not apply within the shorelines jurisdiction:
 - a. KZC 90.20 – General Exceptions
 - b. KZC 90.30 – Definitions
 - c. KZC 90.75 – Minor Lakes
 - d. KZC 90.140 – Reasonable Use Exception
 - e. KZC 90.160 – Appeals
 - f. KZC 90.170 – Planning/Public Works Official Decisions – Lapse of Approval
2. Activities in or Near Streams – No Land surface modification shall occur and no improvements shall be located in a stream or its buffer except as provided in KZC 83.510.3 through 83.510.11.
3. 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 ~~400~~ 250 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. 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 five (5) 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.

4. Stream Buffers and Setbacks
 - a. Stream Buffers – No land surface modification shall occur and no improvement shall be located in a stream or its buffer, except as provided in this section. See also KZC 83.490.3, Trees in Critical Areas or Critical Area Buffers; and KZC 83.490.4, Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers.

Required or standard buffers for streams are as follows:

Stream Buffers

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

Stream Type	Stream Buffer Width
Type 1: <u>All segments of aquatic areas that are not shorelines of the state (Lake Washington) and that contain fish or fish habitat.</u>	<u>115 feet</u>
Type 2: <u>All segments of aquatic areas that are not shorelines (Lake Washington) or Type 1 stream and that are physically connected to a shoreline of the state (Lake Washington) or a Type 1 stream by an above-ground channel system, stream or wetland.</u>	<u>65 feet</u>
Type 3: <u>All segments of aquatic areas that are not shorelines of the state (Lake Washington), Type 1 stream or Type 2 stream and that are not physically connected to a shorelines of the state (Lake Washington), a Type 1 stream or a Type 2 stream by an above-ground channel system, pipe, culver, stream or wetland.</u>	<u>25 feet</u>

(Note: Type 1 corresponds to F Waters, Type 2 corresponds to N Waters and Type 3 corresponds to O Waters, and shorelines of the state refers to S Waters under the Department of Ecology’s classification system.)

Stream buffers shall be measured from each side of the OHWM of the stream, except that where streams enter or exit pipes, the buffer shall be measured in all directions from the pipe opening. Essential improvements to accommodate required vehicular, pedestrian, or utility access to the subject property may be located within those portions of stream buffers that are measured toward culverts from culvert openings.

Where a legally established, improved road right-of-way or structure divides a stream buffer, the Planning Official may approve a modification of the required buffer in that portion of the buffer isolated from the stream by the road or structure, provided the isolated portion of the buffer:

- 1) Does not provide additional protection of the stream from the proposed development; and
 - 2) Provides insignificant biological, geological or hydrological buffer functions relating to the portion of the buffer adjacent to the stream.
- b. **Buffer Setback** – Structures shall be set back at least 10 feet from the designated or modified stream buffer. The City may allow within this setback minor improvements that 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.
- c. **Storm Water Discharge** – Necessary discharge of storm water through stream buffers and buffer setbacks may be allowed on the surface, but a piped system discharge is prohibited unless approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (b) of this section and within the buffers specified in subsection (a) of this section only when the City determines, 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:

- 1) Adversely affect water quality;
- 2) Adversely affect fish, wildlife, or their habitat;
- 3) Adversely affect drainage or storm water detention capabilities;
- 4) Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
- 5) 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.

Storm water facilities shall minimize potential impacts to the stream or stream buffer by meeting the following design standards:

- 1) Catch basins must be installed as far as feasible from the buffer boundary.
 - 2) Outfalls must be designed to reduce the chance of adverse impacts as a result of concentrated discharges from pipe systems. This may include:
 - a) Installation of the discharge end as far as feasible from the sensitive area, and
 - b) Use of appropriate energy dissipation at the discharge end.
- d. Water Quality Facilities –The City may only approve a proposal to install a water quality facility within the outer one-half (1/2) of a stream buffer if a suitable location outside of the buffer is not available and only if:
- 1) It will not adversely affect water quality;
 - 2) It will not adversely affect fish, wildlife, or their habitat;
 - 3) It will not adversely affect drainage or storm water detention capabilities;
 - 4) It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
 - 5) 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;
 - 6) The existing buffer is already degraded as determined by a qualified professional;
 - 7) The 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
 - 8) Once installed, it would not require any further disturbance or intrusion into the buffer.
- The City may only approve a proposal by a public agency to install a water quality facility elsewhere in a stream buffer if Criteria 9 – 11 (below) are met in addition to 1 – 8 (above):
- 9) The project includes enhancement of the entire on-site buffer;
 - 10) The project would provide an exceptional ecological benefit off-site; and
 - 11) There is no feasible alternative proposal that results in less impact to the buffer.
- e. Utilities and Rights-of-Way – Provided that activities will not increase the impervious surface area or reduce flood storage capacity, the following work shall be allowed in critical areas and their buffers subject to City review after appropriate mitigation sequencing per KZC 83.490.2 has been considered and implemented:
- 1) All utility work in improved City rights-of-way;
 - 2) All normal and routine maintenance, operation and reconstruction of existing roads, streets, and associated rights-of-way and structures; and

- 3) 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.

All affected critical areas and buffers shall be expeditiously restored to their pre-project condition or better. For purposes of this subsection only, “improved City rights-of-way” include those rights-of-way that have improvements only underground, as well as those with surface improvements.

- f. Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection 83.510.4. 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 City may only approve a proposal to construct a minor improvement within a sensitive area buffer if:

- 1) It will not adversely affect water quality;
- 2) It will not adversely affect fish, wildlife, or their habitat;
- 3) It will not adversely affect drainage or storm water detention capabilities;
- 4) It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- 5) 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; and
- 6) It supports public or private shoreline access.

The City may require the applicant to submit a report prepared by a qualified professional that describes how the proposal will or will not comply with the criteria for approving a minor improvement.

- 5. 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 and consistent with City standards, along the upland boundary of the entire stream buffer with silt screen fabric. 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 three- to four-foot-tall split rail fence; or (2) equivalent barrier, as approved by the Planning Official. Installation of the permanent fence or equivalent barrier must be done by hand where necessary to prevent machinery from entering the stream or its buffer.

- 6. Permit Process

The City shall consolidate and integrate the review and processing of the critical areas aspects of the proposal with the shoreline permit required for the proposed development activity, except as follows:

Development Proposal	Permit Process
Stream Relocations or Modifications, or Stream Buffer Modifications affecting greater more than 25% one-third (1/3) of the standard buffer	Shoreline Variance pursuant to Process IIA, described in Chapter 141 KZC
Stream Buffer Modifications affecting 25% or less less than one-third (1/3) of the standard buffer	Underlying development permit or development activity
Bulkheads or other hard stabilization measures in Stream, Stream Crossings or Stream	Underlying development permit or

Rehabilitation	development activity
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7. Stream Buffer Modification

- a. Departures from the standard buffer requirements shall be approved only after the applicant has demonstrated consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490.2.
- b. Approved departures from the standard buffer requirements of KZC 83.510.4.a) allow applicants to modify the physical and biological conditions of portions of the standard buffer for the duration of the approved project. These approved departures from the standard buffer requirements do not permanently establish a new regulatory buffer edge. Future development activity on the subject property may be required to reestablish the physical and biological conditions of the standard buffer.
- c. Types of Buffer Modification – Buffers may be reduced through one of two means, either (1) buffer averaging; or (2) buffer reduction with enhancement. A combination of these two buffer reduction approaches shall not be used.

- 1) 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 83.510.4(a). Buffers may not be reduced at any point by more than ~~one-third (1/3)~~ twenty-five (25%) of the standards in KZC 83.510.4(a). 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 standard existing buffer. The reduced on-site buffer area must be planted and maintained as needed to yield over time a reduced buffer that is equivalent to an undisturbed Puget Lowland forests in density and species composition.

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 83.500.8.

Buffers may not be reduced at any point by more than ~~one-third (1/3)~~ twenty-five (25%) of the standards in KZC 83.510.4.a).

- d. Decisional Criteria – An improvement or land surface modification may only be approved in a stream buffer only if:
 - 1) The project demonstrates consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490.2.
 - 2) 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);
 - 3) It will not adversely affect water quality;
 - 4) It will not adversely affect fish, wildlife, or their habitat;
 - 5) It will not have an adverse effect on drainage and/or storm water detention capabilities;
 - 6) It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
 - 7) It will not be materially detrimental to any other property or the City as a whole;

- 8) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- 9) All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and
- 10) 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 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 10 criteria listed in this subsection above.

8. Shoreline Variance for Stream Relocation or Modification or Stream Buffer Modification An applicant who is unable to comply with the specific standards of KZC 83.510 must obtain a shoreline variance, pursuant to KZC 141.70.3 and meet the criteria set forth in WAC 183-27-170. In addition, the following City submittal requirements and criteria must also be met:
 - a. Submittal Requirements – As part of the shoreline variance request, 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:
 - 1) A determination of the stream and the stream buffer based on the definitions contained in KZC 83.80;
 - 2) An analysis of whether any other proposed development with less impact on the sensitive area and sensitive area buffer is feasible;
 - 3) Sensitive site design and construction staging of the proposal so that the development will have the least feasible impact on the sensitive area and sensitive area buffer;
 - 4) A description of the area of the site that is within the sensitive area or within the setbacks or buffers required by this Chapter;
 - 5) 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;
 - 6) An analysis of the impact that the proposed development would have on the sensitive area and the sensitive area buffer;
 - 7) How the proposal minimizes net loss of sensitive area and/or sensitive area buffer functions to the greatest extent feasible;
 - 8) Whether the improvement is located away from the sensitive area and the sensitive area buffer to the greatest extent feasible;
 - 9) Information specified in KZC 83.500.8 for Compensatory Mitigation; and
 - 10) Such other information or studies as the Planning Official may reasonably require.
 - b. Decisional Criteria – The City may grant approval of a shoreline variance only if all of the following criteria are met:
 - 1) No other permitted type of land use for the property with less impact on the sensitive area and associated buffer is feasible;
 - 2) The proposal has the minimum area of disturbance;
 - 3) The proposal maximizes the amount of existing tree canopy that is retained;

- 4) The proposal utilizes to the maximum extent feasible innovative construction, design, and development techniques, including pervious surfaces that minimize to the greatest extent feasible net loss of sensitive area functions and values;
 - 5) The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the property;
 - 6) The proposal meets the mitigation, maintenance, and monitoring requirements of this Chapter; and
 - 7) The granting of the shoreline variance will not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures under similar circumstances.
9. Stream Relocation or Modification - The City may only permit a stream to be relocated or modified 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 shall not be considered.

A proposal to relocate or modify a Class A stream may only be approved 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 City shall not approve the plan until the applicant submits to the City 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 Bureau of Elections and Records, consenting to the sensitive area and/or buffer creation or increase on such property.

Prior to the City's decision to authorize approval of a stream relocation or modification, the applicant shall submit a stream relocation/modification plan prepared by a qualified professional approved by the City. The cost of producing, implementing, and monitoring 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:

- a. A topographic survey showing existing and proposed topography and improvements;
- b. The filling and revegetation of the existing stream channel;
- c. A proposed phasing plan specifying time of year for all project phases;
- d. The ability of the new stream channel to accommodate flow and velocity of 100-year storm events; and
- e. The design and implementation features and techniques listed below, unless clearly and demonstrably inappropriate for the proposed relocation or modification:
 - 1) The creation of natural meander patterns;
 - 2) The formation of gentle and stable side slopes, no steeper than two feet horizontal to one-foot vertical, and the installation of both temporary and permanent erosion-control features (the use of native vegetation on stream banks shall be emphasized);
 - 3) The creation of a narrow sub-channel (thalweg) against the south or west stream bank to maximize stream shading;
 - 4) The utilization of native materials;
 - 5) The installation of vegetation normally associated with streams, emphasizing native plants with high food and cover value for fish and wildlife;

- 6) The creation of spawning areas, as appropriate;
- 7) The re-establishment of fish population, as appropriate;
- 8) The restoration of water flow characteristics compatible with fish habitat areas;
- 9) 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 City to improve fish and wildlife habitat or to improve storm water management;
- 10) 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; and
- 11) A monitoring and maintenance plan consistent with KZC 83.500.11 for wetlands.

Prior to diverting water into a new stream channel, a qualified professional approved by the City shall inspect the completed new channel and issue a written report to the City 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.

10. Stream Bank Protection

a. General –

- 1) Stream bank protection measures shall be selected to address site- and reach-based conditions and to avoid habitat impacts.
- 2) The selection of the streambank protection technique shall be based upon an evaluation of site conditions, reach conditions and habitat impacts.
- 3) Nonstructural or soft structural streambank protection measures shall be implemented unless demonstrated to not be feasible.

b. Submittal Requirements for Streambank Protection Measures – The following shall be submitted to the City:

An assessment prepared by a qualified professional containing the following:

- 1) An evaluation of the specific mechanism(s) of streambank failure as well as the site and reach-based causes of erosion.
- 2) An evaluation of the considerations used in identifying the preferred streambank solution technique. The evaluation shall address the provisions established in the Washington Department of Fish and Wildlife's *Integrated Streambank Protection Guidelines* (2003, or as revised).

c. Bulkheads or other erosion control practices using hardened structures that armor and stabilize the streambank from further erosion are not permitted along a stream, except as provided in this subsection. The City 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 City 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 City to improve fish habitat;
 - d) There will be no decrease in flood storage volumes;
 - e) 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) The installation, existence nor operation of the bulkhead or other hard stabilization measures will be detrimental to any other property or the City as a whole.
- 5) The Washington Department of Fish and Wildlife issues a Hydraulic Project Approval for the project.
- d. The stream bank protection shall be designed consistent with Washington Department of Fish and Wildlife's *Integrated Streambank Protection Guidelines* (2003, or as revised). The stabilization measure 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.
11. Stream Crossings - Stream crossings are not permitted, except as specified in this section. The City shall review and decide upon an application to cross a stream with an access drive, driveway, or street. A stream crossing shall be allowed only if:
- a. The stream crossing 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;
 - b. The Washington Department of Fish and Wildlife issues a Hydraulic Project Approval for the project; and
 - c. The applicant submits a plan prepared by a qualified professional approved by the City that shows the crossing and implementation techniques that meet the following criteria:
 - 1) There will be no adverse impact to water quality;
 - 2) There will be no adverse impact to fish, wildlife, and their habitat;
 - 3) There will be no increase in the velocity of stream flow, unless approved by the City to improve fish habitat;
 - 4) There will be no decrease in flood storage volumes;
 - 5) The installation, existence, nor operation of the stream crossing will lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
 - 6) The installation, existence nor operation of the stream crossing will be detrimental to any other property or to the City as a whole.
 - d. The stream crossing shall be designed and constructed to allow passage of fish inhabiting the stream or that may inhabit the stream in the future. The stream crossing shall be designed to accommodate a 100-year storm event. The applicant shall at all times maintain the crossing so that debris and sediment do not interfere with free passage of water, wood and fish. The City shall require a security or perpetual maintenance agreement under 90 KZC for continued maintenance of the stream crossing.
 - e. A bridge is the preferred stream crossing method. If a bridge is not economically or technologically feasible, or would result in greater environmental impacts than a culvert, a proposal for a culvert may be approved if the culvert complies with the criteria in this subsection must be designed consistent with Washington Department of Fish and Wildlife's *Design of Road Culverts for Fish Passage* (2003, or as revised).

- f. If a proposed project requires approval through a shoreline conditional use, the City may require that any stream in a culvert on the subject property be opened, relocated, and restored consistent with the provisions of this subsection.
12. Stream Rehabilitation - City approval is required prior to stream rehabilitation. The City 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 City 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 83.490.3, Trees in Critical Areas or Critical Area Buffers; and KZC 83.490.4, 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 the City requires stream rehabilitation, the mitigation plan and monitoring requirements of KZC 83.500.11 shall apply.

AMENDMENTS TO NONCONFORMANCE REGULATIONS

83.550 Nonconformances

1. General - This section establishes when and under what circumstances nonconforming aspects of a use or development must be brought into conformance with this Chapter. The applicant needs to consult the provisions of this section if there is some aspect of the use or development on the subject property that is not permitted under this Chapter.
2. When Conformance is Required - If an aspect, element or activity of or on the subject property conformed to the applicable shoreline regulations in effect at the time the aspect, element or activity was constructed or initiated, that aspect, element or activity may continue and need not be brought into conformance with this Chapter unless a provision of KZC 83.550 requires conformance. Further, nonconforming structures may be maintained, altered, remodeled, repaired and continued; provided that nonconforming structures shall not be replaced or enlarged, intensified, increased or altered in any way that increases the extent of the nonconformity, except as specifically permitted under KZC 83.550.
3. *No change*
4. *No change*
5. Certain Nonconformances Specifically Regulated
 - a. Non-Conforming Structure –
 - 1) A nonconforming structure that is moved any distance must be brought into conformance.
 - 2) Any structural alteration of a roof or exterior wall that does not comply with height, shoreline setback, ~~or~~ view corridor standards shall be required to be brought into conformance for the nonconforming height, setback or view corridor, except as provided otherwise in this Chapter. Excepted from this subsection is the repair or maintenance of structural members, and structures landward of the OHWM the alteration to existing windows and/or doors and the addition of new windows and/or doors or other similar features, provided that there is no increase in floor area or that the location of the exterior wall is not modified in a manner that increases the degree of nonconformance.
 - 3) Increases in structure footprint outside of the shoreline setback or wetland or stream buffer shall be allowed, even if all or a portion of the previously approved footprint is within the shoreline setback, wetland or stream buffer.
 - 4) If the applicant is making an alteration to the primary structure, the cost of which exceeds 50 percent of the replacement cost of the structure or constructing a new primary structure, the following existing structures must be removed or otherwise brought into conformance:
 - (a) Non-conforming accessory structures located in the required shoreline setback, including decks and patios or similar improvements;
 - (b) Extra pier or dock located in the RSA or RMA zone; and
 - (c) Covered boat moorage structure located in the RSA or RMA zone, except for boat canopies that comply with KZC 83.270.9.
 - ~~4) 4. If accessory structures are located within the shoreline setback, these existing nonconforming structures must be brought into conformance if the applicant is making an alteration to the primary structure, the cost of which exceeds 50 percent of the replacement cost of the structure.~~
 - 5) If the applicant is making an addition to a pier or dock in the RSA or RMA zone, the following existing structures must be removed or otherwise brought into conformance:

(a) Nonconforming accessory structure located within the required shoreline setback, not excluding decks or patios;

(b) Extra pier or dock located more than 30 feet waterward of the OHWM; and

(c) Covered boat moorage structure located more than 30 feet waterward of the OHWM, except for boat canopies that comply with KZC 83.270 for the RSA zone or KZC 83.280 for the RMA zone.

Remaining subsections in KZC 83.550.5.a shall be renumbered as 6) through 8)

MISCELLANEOUS AMENDMENTS TO CHAPTERS 83 and 141

Chapter 83 Shoreline Management

Section 83.80 Definitions (renumbering of definitions shall occur with final codification)

7. Average Parcel Depth: The average of the distance from the OHWM to edge of the public right-of-way or vehicular access easement, whichever provides direct access to the existing or proposed primary structure on the subject property, as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the OHWM of the subject property and the quarter points of the OHWM of the subject property. See Plate 19. For those circumstances where a parcel or a portion of a parcel does not abut a public right-of-way or easement road, the average parcel depth shall be measured from the OHWM to the edge of the ~~west~~ property line opposite of and generally parallel to the OHWM, using the same method as described above. At the northern terminus of the 5th Ave West access easement, the average parcel depth shall be measured from the OHWM to the west side of the public pedestrian access easement providing access to Waverly Beach Park.

8. Average Parcel Width: The average of the distance between from the two side property lines perpendicular to the OHWM north to the south property lines as measured along the OHWM and along the ~~front~~ property line opposite the OHWM, or measured along the two east and west property lines generally parallel to the OHWM of ~~the a~~ parcel that does not abut Lake Washington.

71. Moorage Facility – A pier, dock, marina, buoy or other structure providing docking or moorage space for boats or float planes, where permitted.

86. Primary Structure: A structure housing the main or principal use of the lot on which the structure is situated, including a detached garage associated with the primary structure. This term shall not include decks, patios or similar improvements, and accessory uses, structures or activities as defined in Chapter 5 KZC.

Section 83.190 Lot Size or Density, Shoreline Setback, Lot Coverage and Height

2. Shoreline Setback –

- a. General – This section establishes what structures, improvements, and activities may be in or take place in the shoreline setback established for each use in each shoreline environment.
- b. Measurement of Shoreline Setback –
 - 1) The shoreline setback shall be measured landward from the OHWM on the horizontal plane and in the direction that results in the greatest dimension from the OHWM (see Plate 41).
 - 2) In those instances where the OHWM moved further upland pursuant to any action required by this Chapter, or in accordance with permits involving a shoreline habitat and natural systems enhancement project approved by the City, a state or federal agency, the shoreline setback shall be measured from the location of the OHWM that existed immediately prior to the action or enhancement project.

3) For those properties located in the R-L (A) shoreline environment, the shoreline setback standard shall be as follows:

- (a) If dwelling units exist immediately adjacent to both sides of the subject property, then the shoreline setback of the primary structure on the subject property is the average of the shoreline setback of the primary structures of the two adjacent dwelling units, but at a minimum width of 15 feet. The shoreline setback of the subject property shall be calculated by measuring the closest point of the primary structure to the OHWM on the adjacent property located on each side of the subject property and averaging the two shoreline setbacks. The setback measurement shall exclude those features allowed to extend into the shoreline setback as identified in KZC 83.190.2.d.8, and decks, patios and similar features.
- (b) If a dwelling unit does not exist immediately adjacent to the subject property, then the setback of the adjacent property without a dwelling unit for the purposes of determining an average setback shall be based upon 30% of the average parcel depth of the adjacent property.
- (c) 3) For those properties located along Lake Ave West south of the Lake Ave W Street End Park in the Residential – L environment, in instances where the shoreline setback of an adjacent dwelling units has been reduced through a shoreline reduction authorized under KZC 83.380, the shoreline setback of the se adjacent dwelling units, for the purpose of calculating a setback average, shall be based upon the required setback that existed prior to the authorized reduction.
- 4) In those instances where there is an intervening property that is 60 feet in depth between the OHWM and an upland property, a shoreline setback shall be provided on the upland property based on the average parcel depth of the upland property. The setback on the upland property shall be measured from the OHWM across the intervening property and the upland property.

c. No change

d. Structures and Improvements – The following improvements or structures may be located in the shoreline setback, except within the Natural shoreline environment, provided that they are constructed and maintained in a manner that meets KZC 83.360 for avoiding or at least minimizing adverse impacts to shoreline ecological functions:

- 1) *through 8) No change*
- 9) Decks, patios and similar improvements may extend up to 10 feet into the shoreline setback but shall not be closer than 25 feet to the OHWM, except no closer than 15 feet to the OHWM within the Residential – L (A), (F) and (J) environments south of the Lake Ave West Street End Park, subject to the following standards:
- 10) *and 11) No change*
- 12) Retaining walls and similar structures that are no more than four (4) feet in height above finished grade; provided the following standards are met:
 - a) The structure shall be designed so that it does not interfere with the shoreline vegetation required to be installed under the provisions of KZC 83.400;
 - b) The structure is not for retaining new fill to raise the level of an existing grade, but only to retain an existing slope prior to construction and installed at the minimum height necessary;
 - b) c) The structure shall not be installed to provide the function of a hard shoreline stabilization measure unless approved under the provisions of KZC 83.300 and shall be located, on average, five (5) feet landward or greater of the OHWM, and

⇒ d) The structure shall meet the view corridor provisions of KZC 83.410.

17) Motorized watercraft, floatplanes, RVs, trailers and similar items shall not be stored or placed in the shoreline setback.

Section 83.200 Residential Uses

1. General – Residential uses shall not occur over water, including houseboats, live-aboards, or other single- or multi-family dwelling units.
2. Detached Dwelling Units in the Residential-L environment- Not more than one (1) dwelling unit shall be on each lot, regardless of the size of each lot, except an accessory dwelling unit.
3. Accessory Structures or Uses - Accessory uses and structures shall be located landward of the principal residence, unless the structure is or supports a water-dependent use. This provision does not apply if an improved public right-of-way or vehicular access easements separates the principal residence from the lake is located on the east side of Lake Washington Blvd/Lake Street S or 98th Avenue NE.

Section 83.220 Recreational Uses

5. Public Access Pier, Dock or Boardwalk –

- a. Public access structures shall not be within 10 feet of a side property line, except that setbacks between moorage structures and the side property lines that intersect the OHWM north and south property lines may be decreased for over-water public use facilities that connect with waterfront public access on adjacent property.

Section 83.280 Piers, Docks, Moorage Buoys, Boat lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units (Multi-family)

2. Setbacks –

All piers, docks, boatlifts and moorage piles serving detached, attached or stacked dwelling units shall comply with the following setback standards:

New Pier, Dock, Boatlift and Moorage Pile for Detached, Attached or Stacked Dwelling Units (multi-family)	Minimum Setback Standards
From side property lines	5 ft for moorage pile; otherwise 10 ft.
From lot containing a detached dwelling unit	The area defined by a line that starts where the OHWM of the lot (containing a detached dwelling unit) intersects the side property line of the lot (containing the side property line) closest to the moorage structure and runs waterward toward the moorage structure and extends at a 30° angle from that side property line. This setback applies whether or not the subject

	property abuts the lot, but does not extend beyond any intervening overwater structure. This standard shall not apply within the Urban Mixed shoreline environment.
From another moorage structure not on the subject property, excluding adjacent moorage structure that does not comply with required <u>side property lines setback that intersect the OHWM</u> north and south property line setback	25 ft., except that this provision shall not apply to moorage piles

Section 83.290 Marinas and Moorage Facilities Associated with Commercial Uses

2. Setback –

Marinas and moorage facilities shall comply with the following location standards:

Marinas and Moorage Facilities Associated with Commercial Uses	Minimum Setback Standards
From side property lines	10 ft.
From lot containing a detached dwelling unit	The area defined by a line that starts where the OHWM of the lot (containing a detached dwelling unit) intersects the side property line of the lot (containing a detached dwelling unit) closest to the moorage structure and runs waterward toward the moorage structure and extends at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure. This standard shall not apply within the Urban Mixed shoreline environment.
From another moorage structure not on the subject property, excluding adjacent moorage structure that does not comply with required <u>side property lines setback that intersect the OHWM</u> north and south property line setback	25 ft
From outlet of a stream regulated under KZC 90, including piped streams	Maximum distance feasible while meeting other required setback standards established under this section
From public park	100 feet; or The area defined by a line that starts

	<p>where the OHWM of the park intersects with the side property line of the park closest to the moorage structure and extends at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure. This standard shall not apply within the Urban Mixed shoreline environment.</p>
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Section 83.300 Shoreline Stabilization

12. Specific Design Standards for Soft Structural Stabilization –

In addition to the general submittal requirements in KZC 83.300.8 and the general design standards in KZC 83.300.10, the following design standards shall be incorporated:

- a. Provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line. Proposals that include necessary use of hard structural stabilization measures only at the property lines to tie in with adjacent properties shall be permitted as soft structural shoreline stabilization measures. The length of hard structural stabilization connections to adjacent properties shall be the minimum needed and extend into the subject property from adjacent properties as reasonably required.
- b. Size and arrange any gravels, cobbles, logs, and boulders so that the improvement remains stable in the long-term, prevents upland erosion, and dissipates wave energy, without presenting extended linear faces to oncoming waves, and minimizes impact to assure no net loss of ecological function.

Section 83.330 Land Surface Modification

1. General – The following standards must be met for any approved land surface modification:

- a. Land surface modification within required shoreline setback shall only be permitted as authorized by a valid shoreline permit, building permit or upon approval of a land surface modification permit, under the provisions established in KMC Title 29.
- b. *through h. No change*

2. Permitted Activities -

- a. Land surface modification is prohibited within the shoreline setback, except for the following:
 - 1) For the purpose of shoreline habitat and natural systems enhancement projects, setting back shoreline stabilization measures or portions of shoreline stabilization measures from the OHWM, or soft structural shoreline stabilization measures under a plan approved by the City.
 - ~~2) As authorized by a valid shoreline permit or approval issued by the City.~~
 - 3) *through 5) No change but renumbering*

Section 83.380 Shoreline Setback Reduction

1. Improvements permitted within the Shoreline Setback - See standards contained in KZC 83.190.2.
2. Shoreline Setback Reductions –
 - a. In the Residential – L shoreline environment, the shoreline setback may be reduced by two (2) feet if subject to the Historic Preservation provisions of KMC 22.28.048, but in no case closer than 25 feet with the exception in the Residential L - shoreline environments (A), (F) and (J) south of the Lake Ave West Street End Park where the minimum shoreline setback is 15 feet.
 - b. The required shoreline setback may be reduced to a minimum of 25 feet when setback reduction impacts are mitigated using a combination of the mitigation options provided in the chart below to achieve an equal or greater protection of lake ecological functions, except in the – In the portion of the Residential-L environments (A), (F) and (J) located south of the Lake Ave W Street End Park, where the required shoreline setback may be reduced to a minimum of 15 feet. The following standards shall apply to any reduced setback:
 - 1) The minimum setback that may be approved through this reduction provision is 25 feet in width, except 15 feet in width that properties in the Residential L – shoreline environments (A), (F) and (J) south of the Lake Ave West Street End Park may reduce to a minimum setback of 15 feet. Any further setback reduction below 25 feet or 15 feet, respectively, in width shall require approval of a shoreline variance application.
 - 2) The City shall accept previous actions that meet the provisions established in the setback reduction option chart in KZC 83.380.d. below as satisfying the requirements of this section, provided that all other provisions are completed, including but not limited to, the agreement noted in Section 83.380.2.b.4 below. The reduction allowance for previously completed reduction actions may only be applied once on the subject property.
 - 3) Prior to issuance of a certificate of occupancy or final inspection, the applicant shall provide a final as-built plan of any completed improvements authorized or required under this subsection.
 - 4) Applicants who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions, including maintenance of the conditions throughout the life of the development, unless otherwise approved by the City, in a form acceptable to the City Attorney, and recorded with the King County Bureau of Elections and Records. The applicant shall provide land survey information for this purpose in a format approved by the Planning Official.
 - 5) The shoreline setback reduction mechanisms shall not apply within the Natural shoreline environment.
 - c. For removal of an existing hard shoreline stabilization measure, an evaluation must be provided to the City with the development permit to document that a reduced setback will not result in the need of a hard shoreline stabilization measure in the future to protect the primary structure as regulated in KZC 83.300.
 - e.d. The reduction allowance shall be applied to the required shoreline setback. For instance, if a reduction is proposed in the Residential – L environment, where the shoreline setback requirement is 30% of the average parcel depth, the shoreline setback could be reduced to 20% of the average parcel depth, but in no case less than 25 feet, if reduction option 1 in the chart below is used.
 - d.e. The chart below describes the setback reduction options:
- 3.

		Reduction Allowance	
		Standard Reduction (min. 25 ft. setback)	Residential-L (A), (F) and (J) environments, south of Lake Ave W Street End Park (min. 15 ft. setback)
Shoreline Setback Reduction Options			
Water Related Conditions or Actions			
1	Presence of non-structural or soft structural shoreline stabilization measures located at, below, or within 5 feet landward of the lake's OHWM along at least 75 percent of the linear lake frontage of the subject property. This can include the removal of an existing hard structural shoreline stabilization measure and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, and beach/substrate composition. This option cannot be used in conjunction with Option 2 below	Reduce required setback by 15 percentage points, or in cases where the required setback is 60' reduce setback by 30 ft.	Reduce required setback by 15 ft.

Section 83.400 Tree Management and Vegetation in Shoreline Setback

3. Required Vegetation in Shoreline Setback

a. Minimum Vegetation Standard Compliance –

- 1) Location –
 - a) Water-dependent Uses or Activities - The applicant shall plant native vegetation, as necessary, in at least 75 percent of the nearshore riparian area located along or near the water's edge, except for the following areas, where the vegetation standards shall not apply: those portions of water-dependent development that require improvements adjacent to the water's edge, such as fuel stations for retail establishments providing gas sales, haul-out areas for retail establishments providing boat and motor repair and service, boat ramps for boat launches, swimming beaches or other similar activities shall plant native vegetation on portions of the nearshore riparian area located along the water's edge that are not otherwise being used for the water-dependent activity.
 - b) All Other Uses - The applicant shall plant native vegetation, as necessary, in at least 75 percent of the nearshore riparian area located along or near the water's edge.
 - c) In the instance where there is an intervening property between the shoreline and an upland property and the portion of the intervening property abutting the upland

property has an average parcel depth of less than 25 feet, shoreline vegetation shall be provided within the shoreline setback portion of the upland property along the west property line area of the upland property shall be provided within the shoreline setback pursuant to KZC 83.400, unless:

- i. The required shoreline vegetation already exists on the intervening lot;
- ii. The intervening property owner agrees to installing the shoreline vegetation on their property; or
- i. A proposal for alternative compliance is approved under the provisions established in KZC 83.400.3.f.

Section 83.550 Nonconformances

5. Certain Nonconformances Specifically Regulated

a. General - no change

b. Non-Conforming Structure –

- 1) Non-conforming structures that are expanded or enlarged within the shoreline setback must obtain a shoreline variance; provided that, a non-conforming detached dwelling unit use may be enlarged without a shoreline variance where the following provisions apply:

a) through g) no change

- h) The applicant shall use “fully shielded cut off” light fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses and the lake, and direct the light toward the ground for any exterior light sources located on any the west façade of the residence or other façades with exterior light sources that are directed towards the lake or visible from the lake.

Chapter 141 – Shoreline Administration

141.40 Exemption from Permit Requirements

No change to 1-6

7. Lapse of Approval – The lapse of approval for the shoreline exemption approval shall be the same as the expiration date of the development permit and all conditions of the approval shall be included in the conditions of approval granted for that development permit. For a shoreline exemption that does not require a development permit, the expiration date shall be four (4) years from issuance of the exemption letter by the City.

141.80 Enforcement Authority.

1. WAC Chapter 173-27 contains enforcement regulations, including authority for the city to issue regulatory orders to enforce the Shoreline Management Act and the shoreline master program. In addition, the city shall have any and all other powers granted to or devolving upon municipal corporations to enforce ordinances, resolutions, regulations, and other laws within its territorial limits. Upon

determination that there has been a violation of any provision of the city's shoreline regulations, the City may pursue code enforcement and penalties in accordance with the provisions of the KMC.

**City of Kirkland
Grant No. G0600236**

DRAFT

**Shoreline Restoration Plan Component of the Shoreline Master
Program for the City of Kirkland**

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SHORELINE MASTER PROGRAM UPDATE SHORELINE RESTORATION PLAN

1. INTRODUCTION

Shorelines are a major feature in the City of Kirkland, providing both a valuable setting for land use and recreation and performing important ecological functions. Development along the shoreline is addressed through the City's Shoreline Master Program, the local goals and policies adopted under the guidance and provisions of the Shoreline Management Act (SMA) of 1971. Under the SMA, each city and county with "shorelines of the state" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic and environmental needs of the community. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." To implement this goal, the SMA and its implementing guidelines, provide guidance and requirements to local governments addressing how shorelines should be developed, protected, and restored. The SMA has three broad policies:

- 1) encourage water-dependent uses,
- 2) protect shoreline natural resources, and
- 3) promote public access.

The City's SMP was developed in 1974 to help regulate shoreline development in an ecologically sensitive manner with special attention given to public access. These policy objectives are reflected in today's protection of significant natural areas within the City's shoreline area as open space, as well as the extensive shoreline trail system and network of shoreline parks which have been established over time.

Over the time that has spanned since the original adoption of the City's SMP, there have been substantial changes to the lakefront environment. Industrial uses, such as the shipyard previously located at Carillon Point, have left Kirkland's environment. The City has added publicly owned properties to its waterfront park system, most significantly the Yarrow Bay Wetlands, Juanita Bay Park, Juanita Beach Park, and David E. Brink Park. The recent City annexation of the Finn Hill, Juanita, and Kingsgate neighborhoods, which becomes effective in 2011, includes O.O. Denny Park, a shoreline park with over 1,000 linear feet of waterfront along Lake Washington. Water quality within Lake Washington, once severely impacted by nutrient loading from sewage, has remarkably improved since regional wastewater treatment plants were constructed and the final plant discharging from the lake was closed.

The lake environment has also been impacted by new challenges. The shoreline character has continued to change over time, as additional docks and bulkheads have been built, contributing to a loss of woody debris, riparian vegetation, and other complex habitat features along the shoreline. Impervious surfaces have increased both within the shoreline area and in adjacent watersheds, and this, together with the consequent reduction in soil infiltration, have been correlated with increased velocity, volume, and frequency of surface water flows into the lake. These and other changes have impacted the habitat for salmonids. In 1999, Chinook salmon and bull trout were listed as Threatened species under the Federal Endangered Species Act. The region's response to this listing has resulted in new scientific data and research that has

Plan, the City has not included the PAA (Segment A), which has been separately addressed by King County.

3.3.1 Land Use and Physical Conditions

1. **Existing Land Use:** The City of Kirkland shoreline area is fully developed, with existing land uses largely consistent with planned land uses as illustrated in the Comprehensive Plan. Areas not occupied by residential or commercial/office developments are either formal and informal City parks and open spaces, or large wetland areas. The City's shoreline, including the recent annexation area, contains ~~a total of 336~~ more than 650 lots. Of these, only ~~32-44~~ undeveloped waterfront lots remain within shoreline jurisdiction. The majority of these undeveloped lots are located within Segment B (24); 12 are located in Segment A; ~~two-2~~ are located in Segment C and ~~six-6~~ in Segment D. In Segment A, many of the lots are considered vacant currently because they do not presently have a constructed home on the site and are in the process of a re-build. In Segment B, the relatively large number of undeveloped lots is due to a number of lots along the southwest corner of the Yarrow Bay wetlands. These figures indicate that only less than 10-8 percent of all waterfront properties within the shoreline area are vacant. This also illustrates that if future development occurs, it will likely be in the form of redevelopment consistent with adopted plans and regulations. Except for a few properties held in private ownership, the high-functioning portions of the shoreline have been appropriately designated and preserved as park/open space. The privately held properties have been protected through critical areas provisions, including buffers. Land uses along the shoreline are only expected to change minimally, if at all, although re-builds, substantial remodels, and some redevelopment of one type of commercial into another type of commercial, multi-family or mixed-use are anticipated.
2. **Parks and Open Space/Public Access:** Developing public shoreline access is a priority of the City, as evidenced by the goals and policies included in the Public Access element of the City's SMP, prepared in the early 1970s and last amended in 1989. Except for single-family residential areas or environmentally sensitive areas, the prior SMP required that all development provide public access to the water's edge and along the shoreline as much as possible. As a result of this requirement, the City has made significant progress towards establishing continuous pedestrian access along the water's edge in Segment D as many of the multi-family and commercial properties have redeveloped. Overall, the City has approximately 6.8 miles of trails within shoreline jurisdiction. The trails and parks combined provide 2.5-7 miles and approximately 140 acres of public waterfront access. The SMP continues these provisions in order to allow for any gaps in this system to be infilled as redevelopment occurs.

The City, including the recent annexation area, contains ~~twelve-thirteen~~ designated parks or street-ends, some with extended areas of open space, such as the Forbes Creek riparian corridor. Juanita Beach Park is one of the City's largest multi-use parks located on the Lake Washington waterfront. The City commissioned the *Juanita Beach Park Draft Master Plan Report* (J.A. Brennan Associates, PLLC 2005) after assuming ownership from King County in 2002. The *Master Plan Report* includes goals for a number of areas, including environmental stewardship and recreation. The plan addresses potential day boat moorage, swimming beach improvements (to address water and sediment quality and excessive sediment deposition), a new non-motorized boat rental facility, hand-

carried boat launch, and restoration of Juanita Creek, its buffer, and wetlands.

3. **Shoreline Modifications:** A combination of recent aerial photographs and a field inventory conducted by boat in March 2006 were used to collect information about shoreline modifications in the City. The Kirkland shoreline is heavily modified with approximately ~~60~~ 67 percent of the overall shoreline armored at or near the ordinary high water mark and an overall pier density of approximately ~~26-37~~ piers per mile. However, these numbers include the undeveloped shorelines in Segment B. Considering just Segments A, C and D, these numbers would rise to ~~86-82~~ percent armoring and ~~39-46~~ piers per mile. Comparatively, an evaluation of the entire Lake Washington shoreline found 71 percent of the shoreline armored and with approximately 36 piers per mile (Toft 2001). Thus, for Kirkland overall, both pier density and shoreline armoring are slightly lower than the lake-wide figures. However, when evaluating the developed shorelines of Segments A, C and D, these figures exceed the lake-wide average. Many of the piers have one or more boatlifts, and approximately one-quarter of the boatlifts have canopies.

As expected, the urban segment (Segment D) has the most altered shoreline, with 90 percent armored with either vertical or boulder bulkheads, and Juanita and Yarrow Bays (Segment B) have the least altered shorelines, with only 7 percent armoring. The residential segments (Segments A and C) are 76 and 83 percent armored, respectively. It is not uncommon around Lake Washington for some historic fills to be associated with the original bulkhead construction, usually to create a more level or larger yard. Most of these shoreline fills occurred at the time that the lake elevation was lowered during construction of the Hiram Chittenden Locks.

Also as expected, the highest amount of overwater cover per lineal foot of shoreline can be found in Segment D, which is nearly triple the amount of cover found in the residential segments (A and C). This can be attributed to the presence of several marinas, large park-associated piers, multiple large piers that serve condominiums, and a couple of overwater condominiums. However, the total number of individual pier/dock structures in the urban segment is about half of that in the residential segments, due to the abundance of single-family residential pier structures. Segment B had the lowest area of overwater cover and the lowest number of overwater structures.

The full shoreline inventory includes a more in-depth of discussion of the above topics, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, among others.

3.3.2 Biological Resources and Critical Areas

With the exception of the Yarrow Bay wetlands and the Forbes Creek/Juanita Bay wetlands, the shoreline zone itself within the City of Kirkland is generally deficient in high-quality biological resources and critical areas, primarily because of the extensive residential and commercial development and their associated shoreline modifications. There are numerous City parks, but these are mostly well manicured and include extensive shoreline armoring and large pier and dock structures. There are few forested areas along the lakeshore, as most forested areas are surrounded by development and are not generally contiguous with Lake Washington. Landslide hazard areas are located within the shoreline zone along Segment A intermittently and in Segment C, between the south end of Rose Point Lane and Heritage Park. Wetlands mapped

within shoreline jurisdiction include both the Yarrow Bay wetlands and the Forbes Creek/Juanita Bay wetlands. Additional unmapped areas of wetland fringe may also exist. Important fish-bearing streams in the shoreline zone include Juanita Creek, Forbes Creek, ~~and~~ Yarrow Creek, Denny Creek, Champagne Creek and other Segment A tributary. These streams are used by salmon (coho salmon and/or cutthroat trout), but have been impacted extensively by basin development, resulting in increased peak flows, unstable and eroding banks, loss of riparian vegetation, and fish and debris passage barriers. These changes have altered their contributions of sediment, organic debris, and invertebrates into Lake Washington. Each of these systems continues to be targeted for restoration by one or more local or regional restoration groups. There are also other mapped smaller streams in the shoreline zone, including Carillon Creek and Cochran Springs.

WDFW mapping of Priority Habitat and Species (WDFW 2006) also indicates the presence of other Fish and Wildlife Habitat Conservation Areas and Priority Habitats within and adjacent to the shoreline zone. These include pileated woodpecker breeding areas, historic and current bald eagle nest locations, great blue heron nest colony, wetlands, urban natural open space, and riparian zones.

4. RESTORATION GOALS AND OBJECTIVES

4.1 Introduction

The City of Kirkland is located within the Lake Washington/Cedar/Sammamish Watershed. The Lake Washington/Cedar/Sammamish Watershed is home to three populations of Chinook salmon: Cedar River, North Lake Washington, and Issaquah. Studies indicate that Chinook salmon in this watershed are in trouble; they are far less abundant now than they were even in recent decades, and all three populations are at high risk of extinction. In March 1999, the federal government listed Puget Sound Chinook salmon as threatened under the Endangered Species Act (ESA).

The salmon's decline is an indicator of the overall health of the watershed. Concerned about the need to protect and restore habitat for Chinook salmon for future generations, 27 local governments in the watershed, including Kirkland, signed an interlocal agreement in 2001 to jointly fund the development of a conservation plan to protect and restore salmon habitat. The Final Chinook Salmon Conservation Plan is the result of this collaborative effort and is the conservation strategies and implementation efforts are referenced herein as a result of the City's commitment to this conservation strategy.

According to the *Lake Washington/Cedar/Sammamish Watershed (WRIA) Near-Term Action Agenda For Salmon Habitat Conservation*, Lake Washington suffers from "Altered trophic interactions (predation, competition), degradation of riparian shoreline conditions, altered hydrology, invasive exotic plants, poor water quality (phosphorus, alkalinity, pH), [and] poor sediment quality" (WRIA 8 Steering Committee 2002). Kirkland's *Final Shoreline Analysis Report* (The Watershed Company 2006) provides supporting information that validates these claims specifically in the City's shoreline jurisdiction. The *WRIA 8 Action Agenda* established four "ecosystem objectives," which are intended to guide development and prioritization of restoration actions and strategies. The objectives are as follows:

5.4 Critical Areas Regulations

The City of Kirkland critical areas regulations are found in Kirkland Zoning Code Chapter 90. In the early 1990s, Kirkland adopted regulations to designate and protect critical areas pursuant to the Washington State Growth Management Act (GMA) (RCW 36.70A). In response to later GMA amendments, the City adopted in 2002 a revised Critical Areas Ordinance (CAO) contained in the KZC consistent with best available science and all other requirements of the GMA. All activities which require a substantial development permit, conditional use or variance under the SMP or are exempt from a permit under the SMP are reviewed under the City's CAO for consistency. As stated above, if there is a conflict between the CAO and SMP, the regulations that offer the greatest environmental protection apply.

The regulations categorize streams based on salmonid use and duration of flow, with standard buffers ranging from 25 feet to 75 feet. Wetlands are classified into three categories based on size, presence of habitat for listed species or the species themselves, relationship to Lake Washington, general habitat function and value, and soils. Buffers range from 25 to 100 feet; all wetlands contiguous with Lake Washington have a 100-foot buffer.

As part of the SMP update, the critical areas regulations that apply in shoreline jurisdiction were updated to include Ecology's wetland rating system, a variation on Washington Department Natural Resources' stream rating system (annexation area only), increased wetland buffers and mitigation ratios, increased stream buffers (annexation area only) and other changes consistent with the latest scientific information.

Management of the City's critical areas both inside and outside of shoreline jurisdiction using these regulations should help insure that ecological functions and values are not degraded, and impacts to critical areas are mitigated. These critical areas regulations are one important tool that will help the City meet its restoration goals.

5.5 Stormwater Management and Planning

Although much of the City of Kirkland's Surface Water Utility's jurisdiction is outside of the shoreline zone, all of the regulated surface waters, both natural and piped, are discharged ultimately into Lake Washington and thus affect shoreline conditions. There are more than 70 outfalls directly into the shoreline area, and many more that discharge just outside of shoreline jurisdiction, but subsequently flow into the shoreline area (The Watershed Company 2006). The City's 2005 *Surface Water Master Plan* contains the following goals:

Flood Reduction – minimize existing flooding and prevent increase in future flooding through construction of projects that address existing problems, increased inspection and rehabilitation of the existing system, and increased public education.

Water Quality Improvement - increase efforts to maintain and improve water quality by increasing public education (source control), identifying pollution "hot spots" for possible water quality treatment and by examining City practices and facilities to identify where water quality improvements could be achieved.

Aquatic Habitat – increase efforts to slow the decline of aquatic habitat and create improved conditions that will sustain existing fish populations. Combine hydrological

Draft Kirkland Shoreline Restoration Plan

Site Number	Park	Restoration Type	Description
		runoff	materials, relocation, or minimization.
26	Houghton Beach Park	Reduce overwater cover	Reducing overwater cover through the installation of deck grating on the existing piers and removing pier skirting as feasible.
27	Houghton Beach Park	Reduce shoreline armoring	Removing or minimizing the impacts of shoreline armoring.
28	Houghton Beach Park	Enhance shoreline vegetation	Improving nearshore native vegetation.
29	Yarrow Bay	Remove invasive vegetation	The biological need for control of aquatic invasive species in Yarrow Bay should be assessed. Both Yarrow Shores Condominiums and the Carillon Point Marina and condominiums have permits from Ecology to use chemical controls on milfoil and white water lily, which have become a nuisance to boaters and swimmers.
<u>30</u>	<u>O.O. Denny Park¹</u>	<u>Reduce shoreline armoring</u>	<u>Removing or minimizing the impacts of shoreline armoring along the northern ~550 feet of the park by using bioengineering techniques, regrading and reshaping of the shoreline.</u>
<u>31</u>	<u>O.O. Denny Park</u>	<u>Reduce shoreline armoring</u>	<u>Removing or minimizing the impacts of existing concrete bulkhead (~400 feet long) which fronts the main park shoreline. Shoreline could be replaced with a sinuous more natural shoreline contour. Would require regrading to improve shoreline access by lowering the height differential between upland lawns and the water's edge</u>
<u>32</u>	<u>O.O. Denny Park</u>	<u>Enhance shoreline vegetation</u>	<u>Removal of invasives and replanting with natives could occur along most of the northern ~550 feet of shoreline, including the associated wetland, allowing for concentrated areas of public access to Lake Washington. The main shoreline which is fronted by the tall concrete wall is currently void of trees and shrubs. A few large trees are located between 50 and 80 feet from shore. Areas of shoreline revegetation would enhance shoreline functions and still allow for concentrated access to the shoreline.</u>
<u>33</u>	<u>O.O. Denny Park</u>	<u>Enhance shoreline vegetation</u>	<u>Native vegetation could be enhanced at the mouth of Denny Creek to bring vegetation further toward the lake. Currently, split rail and chain fencing segregates the riparian community from the lake. Wetland conditions may exist along stream flank near mouth and could be enhanced with native vegetation. The installation of riparian vegetation at the mouth may improve the channel definition and reduce sediment deposition at the mouth which may act as low flow barrier to fish passage during late summer and early fall. First pedestrian bridge upstream from the lake could be redecked with grated decking to replace plywood sheets.</u>

¹ O.O. Denny Park is actually owned by the City of Seattle, but managed by the Finn Hill Parks and Recreation District. This management is not expected to change for some time.

Draft Kirkland Shoreline Restoration Plan

After identifying and describing these projects, each proposed action was ranked using evaluation criteria developed for this study and compiled on a questionnaire form. Evaluation criteria were grouped into two sections: (A) ecological considerations and (B) feasibility/public benefit considerations. Scoring was based on assumptions and project understanding within the context of conceptual-level project elements, needs, and requirements. A weighting factor was included, where appropriate, to give certain criteria more or less emphasis than others.

A sample ranking form (Appendix B) is included to show the varying levels of consideration and their respective weighting factors. Notes were developed (Appendix B) to assist with completing the form and ensuring consistency between sites. The ecological considerations were completed with the aid of GIS mapping and best professional judgment. Feasibility/public benefit considerations were completed based on experience with shoreline design and construction projects, familiarity with permit processes, and public input over time. The individual ranking forms with tallied scores for each project are included in Appendix C of this report.

Numerical results from the project ranking are summarized in Table 4 from highest to lowest total score. Based on these results, projects with in-water habitat improvement, reduction of shoreline armoring, and large-scale invasive vegetation removal generally ranked highest in total score. However, it should be noted that the ranking of potential projects is intended to serve as a guide to developing restoration priorities and implementation targets, and does not necessarily require completion in the order presented. Some projects, due to their simplicity, rank high in terms of feasibility, and subsequently may be easier to implement than larger projects which may have high scores for ecological benefit. In general, ecological considerations have been given more weight than feasibility/public benefit considerations and, as a result, larger, more complex projects tend to have higher total scores.

Table 4. Project Ranking Results.

Site Number	Park	Restoration Type	Ecological Score	Feasibility Score	Total Score
2	Juanita Beach Park	In-stream habitat improvement	34.5	6.0	40.5
1	Juanita Beach Park	Reduce overwater cover	23.0	8.0	31.0
<u>31</u>	<u>O.O. Denny Park</u>	<u>Reduce shoreline armoring</u>	<u>23.5</u>	<u>7.0</u>	<u>30.5</u>
<u>30</u>	<u>O.O. Denny Park</u>	<u>Reduce shoreline armoring</u>	<u>21.8</u>	<u>8.5</u>	<u>30.3</u>
27	Houghton Beach Park	Reduce shoreline armoring	22.3	7.5	29.8
29	Yarrow Bay	Remove invasive vegetation	20.0	9.5	29.5
3	Forbes Creek - Juanita Bay Park	Remove invasive vegetation	20.0	9.0	29.0
17	David Brink Park	Reduce shoreline armoring	20.0	7.5	27.5
23	Marsh Park	Reduce shoreline armoring	20.0	7.5	27.5

Draft Kirkland Shoreline Restoration Plan

Site Number	Park	Restoration Type	Ecological Score	Feasibility Score	Total Score
9	Waverly Beach Park	Reduce shoreline armoring	19.0	8.0	27.0
13	Marina Park	Reduce shoreline armoring	19.0	7.0	26.0
<u>32</u>	<u>O.O. Denny Park</u>	<u>Enhance shoreline vegetation</u>	<u>15.0</u>	<u>9.0</u>	<u>24.0</u>
5	Forbes Creek - Juanita Bay Park	Reduce in-water structures	17.5	6.5	24.0
28	Houghton Beach Park	Enhance shoreline vegetation	12.3	11.5	23.8
4	Forbes Creek - Juanita Bay Park	Reduce overwater cover	14.0	9.5	23.5
10	Waverly Beach Park	Enhance shoreline vegetation	10.0	11.5	21.5
19	David Brink Park	Enhance shoreline vegetation	10.0	11.5	21.5
24	Marsh Park	Enhance shoreline vegetation	10.0	11.5	21.5
12	Marina Park	Reduce overwater cover	13.5	7.5	21.0
<u>33</u>	<u>O.O. Denny Park</u>	<u>Enhance shoreline vegetation</u>	<u>12.4</u>	<u>8.5</u>	<u>20.9</u>
6	Lake Ave W Street End Park	Remove invasive vegetation	8.8	11.0	19.8
14	Marina Park	Enhance shoreline vegetation	6.5	11.5	18.0
26	Houghton Beach Park	Reduce overwater cover	8.3	8.5	16.8
8	Waverly Beach Park	Reduce overwater cover	7.0	7.5	14.5
16	David Brink Park	Reduce overwater cover	5.0	9.0	14.0
22	Marsh Park	Reduce overwater cover	5.0	8.5	13.5
21	Settler's Landing	Reduce overwater cover	4.8	8.5	13.3
20	Settler's Landing	Enhance shoreline vegetation	2.8	10.0	12.8
7	Lake Ave W Street End Park	Reduce in-water structures	3.0	9.5	12.5
25	Marsh Park	Reduce stormwater runoff	3.0	9.0	12.0
18	David Brink Park	Reduce in-water structures	2.6	9.0	11.6
11	Waverly Beach Park	Reduce stormwater runoff	3.0	8.5	11.5

Draft Kirkland Shoreline Restoration Plan

30	O.O. Denny Park
27	Houghton Beach Park
17	David Brink Park
23	Marsh Park
9	Waverly Park
13	Marina Park

However, emphasis should also be given to future project proposals that involve or have the potential to restore privately-owned shoreline areas to more natural conditions. The City should explore ways in which to assist local property owners, whether through technical or financial assistance, permit expediting, or guidance, to team together with restoration of multiple contiguous lots.

Recommendations from the Action Start List reflect this focus and encourage salmon friendly shoreline design during new construction or redevelopment by offering incentives and regulatory flexibility to improve bulkhead and dock design and revegetate shorelines. Other recommendations from the List that support this priority include: 1) increasing enforcement that addresses nonconforming structures over the long run by requiring that major redevelopment projects meet current standards; 2) discouraging construction of new bulkheads and offer incentives (e.g., provide expertise, expedite permitting) for voluntary removal of bulkheads, beach improvement, riparian revegetation; 3) utilizing interpretive signage where possible to explain restoration efforts.

8.4 Priority 4 – Reduction of In-water and Over-water Structures

Similar to Priority 3 listed above, in-water and over-water structures, particularly piers, docks, and covered moorages, have been identified as one of the key limiting factors in Lake Washington (Kerwin 2001). Pier density along the City's developed shoreline is 39 piers per mile – very similar to a lake-wide average of 36 piers per mile. The density of residential development along the City's lakeshore is the main reason for the slightly higher-than-average pier density. While the pier density along residential shorelines is much higher than what is typically found along City-owned park property, the overall footprint of each public pier is generally much greater than is found along single-family residential sites. Opportunities exist for reduction in pier size and overall shading impacts through pier modifications on public sites. Examples, in order of priority rank, include (see Section 6.2 and Appendix C):

<u>Site Number</u>	<u>Location</u>
1	Juanita Beach Park
4/5	Forbes Creek/Juanita Bay Park
13 12	Marina Park
27 26	Houghton Beach Park
98	Waverly Park
17 16	David Brink Park
23 22	Marsh Park
21	Settler's Landing

Although no specific privately-owned project sites to reduce in-water and over-water structures within residential areas are identified here, future project proposals involving reductions in the

Draft Kirkland Shoreline Restoration Plan

size and/or quantity of such structures should be emphasized. Such future projects may involve joint-use pier proposals or pier reconstruction and may be allowed an expedited permit process.

Action Start List Recommendations in support of Priority 4 above include: 1) supporting the joint effort by NOAA Fisheries and other agencies to develop consistent and standardized dock/pier specifications that streamline federal/state/local permitting; 2) promoting the value of light-permeable docks, smaller piling sizes, and community docks to both salmon and landowners through direct mailings to lakeshore landowners or registered boat owners sent with property tax notice or boat registration tab renewal; and 3) offering financial incentives for community docks in terms of reduced permit fees and permitting time, in addition to construction cost savings. Similarly, the *WRIA 8 Conservation Plan* identified a future project (C302) to explore opportunities to reduce the number of docks by working with private property owners.

8.5 Priority 5 – Restore Mouths of Tributary Streams, Reduce Sediment and Pollutant Delivery to Lake Washington

Although most of the streams and their basins located within the City are outside of shoreline jurisdiction, except the lower sections of Yarrow Creek, ~~and Forbes Creek, Denny Creek, Champagne Creek and other Segment A tributaries~~ (Yarrow and Forbes Creeks which are both within the boundaries of shoreline associated wetlands), their impacts to shoreline areas should not be discounted. Many of these streams have the potential to provide fish and wildlife habitat. Specific projects in this category include the unfunded WRIA 8 project (C296) listed in Section 5.1 to restore the downstream section and mouth of Juanita Creek which feeds into Lake Washington. This would include working closely with the City's Park Department to provide revegetation, installation of habitat features, and other habitat modifications.

For juvenile chinook, once they enter Lake Washington, they often congregate near the mouths of tributary streams, and prefer low gradient, shallow-water habitats with small substrates (Tabor and Piaskowski 2002; Tabor et al. 2004b; Tabor et al. 2006). Chinook fry entering Lake Washington early in the emigration period (February and March) are still relatively small, typically do not disperse far from the mouth of their natal stream, and are largely dependent upon shallow-water habitats in the littoral zone with overhanging vegetation and complex cover (Tabor and Piaskowski 2002; Tabor et al. 2004b). The mouths of creeks entering Lake Washington (whether they support salmon spawning or not), as well as undeveloped lakeshore riparian habitats associated with these confluence areas, attract juvenile chinook salmon and provide important rearing habitat during this critical life stage (Tabor et al. 2004b; Tabor et al. 2006).

Later in the emigration period (May and June), most chinook juveniles have grown to fingerling size and begin utilizing limnetic areas of the Lake more heavily (Koehler et al. 2006). As the juvenile chinook salmon mature to fingerlings and move offshore, their distribution extends throughout Lake Washington. Although early emigrating chinook fry from the Cedar River and North Lake Washington tributaries (primary production areas) initially do not disperse to shoreline areas in Kirkland, any salmon fry from smaller tributaries such as Juanita Creek, Forbes Creek, or Yarrow Creek, would depend on nearshore habitats of the Kirkland waterfront. Later in the spring (May and June), however, juvenile Chinook are known to be well distributed throughout both limnetic and littoral areas of Lake Washington, and certainly utilize shoreline habitats in Kirkland.

Draft Kirkland Shoreline Restoration Plan

Action Start List Recommendations in support of Priority 5 above include: 1) addressing water quality and high flow impacts from creeks and shoreline development through NPDES Phase 1 and Phase 2 permit updates, consistent with Washington Department of Ecology's 2005 Stormwater Management Manual, including low impact development techniques, on-site stormwater detention for new and redeveloped projects, and control of point sources that discharge directly into the lakes; and 2) Protecting and restoring water quality and other ecological functions in tributaries to reduce effects of urbanization. This involves protecting and restoring forest cover, riparian buffers, wetlands, and creek mouths by revising and enforcing critical areas ordinances and Shoreline Master Programs, incentives, and flexible development tools.

Priority 6 – Improve Riparian Vegetation, Reduce Impervious Coverage

Similar to the priorities listed above, improved riparian vegetation and reduction in impervious surfaces are emphasized in the *WRIA 8 Conservation Plan*. Nearly all of the specific project sites listed in Tables 3 and 4 include some form of protecting and improving riparian vegetation and several include reduction in impervious surface coverage. Examples of opportunities on public property, in order of priority rank, include (see Section 6.2 and Appendix C):

Site Number	Location
<u>32</u>	O.O. Denny Park (vegetation)
<u>2728</u>	Houghton Beach Park (vegetation)
<u>910</u>	Waverly Park (vegetation)
<u>1719</u>	David Brink Park (vegetation)
<u>2324</u>	Marsh Park (vegetation)
<u>33</u>	O.O. Denny Park (vegetation)
<u>1314</u>	Marina Park (vegetation)
<u>2120</u>	Settler's Landing (vegetation)
<u>2325</u>	Marsh Park (impervious surfaces)
11	Waverly Park (impervious surfaces)
15	Street-end Park (impervious surfaces)

Priority 7 – Reduce Aquatic Non-Native Invasive Weeds

While not specifically listed in the *WRIA 8 Conservation Plan*, reduction of aquatic invasive weeds from Lake Washington, particularly Eurasian watermilfoil and white water lily, is emphasized in Section 6.2. In particular, the nearshore areas surrounding both Juanita Bay and Yarrow Bay have large monocultures of these invasive aquatic plants. Growth of white water lily is particularly troublesome near the mouth of Forbes Creek, extending south along the shoreline of Juanita Bay Park.

Additionally, many other areas along the City's waterfront have also been subject to extensive growth of Eurasian watermilfoil. Not only are aquatic weeds a problem for boats and swimmers, but they also tend to reduce dissolved oxygen to lethal levels for fish, hampering foraging opportunities. As noted previously, nuisance-motivated control of invasive vegetation using herbicides has been approved by Ecology for the Yarrow Shores Condominiums, and the Carillon Point Marina and condominiums through 2011 (The Watershed Company 2006). Long-term control of aquatic non-native invasive plants in Lake Washington will be very difficult to

Draft Kirkland Shoreline Restoration Plan

achieve without coordinated inter-jurisdictional collaboration, including involvement and leadership from Washington State.

8.7 Priority 8 – Improve Water Quality and Reduce Sediment and Pollutant Delivery

Although most of the streams and their basins located within the City are outside of shoreline jurisdiction, except the lower sections of Yarrow Creek, ~~and Forbes Creek, Denny Creek, Champagne Creek and other Segment A tributaries, which are both within the boundaries of shoreline-associated wetlands,~~ their impacts to shoreline areas should not be discounted. Many of these streams have the potential to provide fish and wildlife habitat. They are also a common receiving body for non-point source pollution, which in turn delivers those contaminants to shoreline waterbodies.

Several actions focused on addressing water quality and stormwater controls include (derived from WRIA 8 watershed-wide actions list).

- Expand/Improve Incentives Programs
- Improve Enforcement of Existing Land Use and Other Regulations
- Increase Use of Low Impact Development and Porous Concrete
- Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

These recommendations emphasize the use of low impact development techniques, on-site stormwater detention for new and redeveloped projects, and control of point sources that discharge directly into surface waters. They involve protecting and restoring forest cover, riparian buffers, wetlands, and creek mouths by revising and enforcing critical areas ordinances and Shoreline Master Programs, incentives, and flexible development tools.

8.9 Priority 9 – Acquisition of Shoreline Property for Preservation, Restoration, or Enhancement Purposes

The City should explore opportunities to protect natural areas or other areas with high ecological value or restoration potential via property acquisition. Mechanisms to purchase property would likely include collaboration with other stakeholder groups including representatives from local government, businesses and the general public in order to develop a prioritized list of actions. Many of the undeveloped properties located along the western edge of the Yarrow Bay wetland, which are highly encumbered by the presence of this high quality wetland, may be available for acquisition geared at preserving their overall function. Other properties throughout the more developed shoreline areas within the City may be available for acquisition both for preservation but also to act as a showcase for restoration potential.

8.10 Priority 10 – City Zoning, Regulatory, and Planning Policies

City Zoning, Regulatory, and Planning Policies are listed as being of lower priority in this case simply because they have been the subject of a thorough review and have recently been

AMENDMENTS TO OTHER CHAPTERS OF THE ZONING CODE

CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES

18.05 User Guide.

The charts in KZC 18.10 contain the basic zoning regulations that apply in each RSA 1, RSA 4, RSA 6 and RSA 8 zones 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.

Section 18.08



Zone
RSA

Section 18.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property
2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
 - b. The maximum horizontal facade shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. 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.
4. For properties within the Holmes Point (HP) Overlay Zone, see Chapter 70 KZC for additional regulations.
- ~~5. For properties with frontage on Lake Washington, the required yard measured from the high waterline shall be the greater of 15 feet or 15 percent of the average parcel depth. No structure other than a moorage structure shall be waterward of the high waterline.~~
5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
- ~~6. See Plate 39 for areas identified as heron habitat protection areas and KZC 90.127 for regulations that apply to identified heron habitat protection areas.~~
6. For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC for permitted uses, shoreline setback regulations and other additional regulations.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 18.10 USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)										
			Front	Side	Rear								

.010	Detached Dwelling Unit	None	As established on the zoning Map. See Spec Regs. 1, 2 and 3.	20' See Spec. Regs. 5 and 6 and 9.	5' each side	10'	50% except 30% for the RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone	30' above average building elevation. See Spec. Reg. 8	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> 1. Maximum units per acre is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, 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. 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. 2. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3. 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. 4. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, 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. 5. 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. 6. Garages shall comply with the requirements of KZC 115.43, including required front yard.
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10	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						
										<p>7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8. 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.</p> <p>9. <u>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' 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 Section 83.380 KZC.</u></p> <p>10. <u>For this use, only one dwelling unit may be on each lot regardless of the size of the lot.</u></p> <p>11. <u>Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.</u></p>		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10	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						
.015	Moorage Facility for 1 or 2 Boats Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None See Chapter 83 KZC	None	20'	5' See Spec. Reg. 12.	-	50%	See Chapter 83 KZC Landward of the high waterline, 25' above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24' above mean sea-level. Diving boards and similar features may not be more than 3' above the deck.	E	See Spec. Reg. 8	None	<ol style="list-style-type: none"> 1. Refer to Chapter 83 KZC for additional regulations. 1. Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted. 2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. 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 proposing this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. 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, and visible from the lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted. 11. Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply: <ol style="list-style-type: none"> a. All lots will be taken together as the subject property to determine compliance with the requirements of this use. b. The moorage structure may be built to accommodate two boats for each residential unit on the subject property. c. The owner of each lot must deed to the City the overwater development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two. 12. No moorage structure may be within either 25' of a public park or 25 feet of another moorage structure not on the subject property.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
Section 18.10 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						

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS															
Section 18.10	USE ↓ REGULATIONS ⇨	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)			Front							Side	Rear
				Front	Side	Rear									
.020	Church <u>See Spec Regs 1 and 4.</u>	See Spec. Reg. 4. <u>2.</u>	As established on the Zoning Map. See Spec. Reg. <u>2-3</u>	20'	20' on each side	20'	70%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 4. <u>5</u>	<ol style="list-style-type: none"> 1. <u>This use not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</u> 4. <u>2.</u> The required review process is as follows: <ol style="list-style-type: none"> 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 location, land uses within the Master Plan area, parking location, buffering, and landscaping. 2. <u>3.</u> Minimum lot size is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3. <u>4.</u> The property must be served by a collector or arterial street. 4. <u>5.</u> No parking is required for day-care or school ancillary to the use. 			
.030	School or Day-Care Center <u>See Spec. Regs. 1 and 2.</u>	See Spec. Reg. <u>2-3</u> .	As established on the Zoning Map. See Spec. Reg. <u>3-4</u> .	If this use can accommodate 50 or more students or children, then:			30' above average building elevation. See Spec. Reg. <u>9-10</u> .	D See Gen. Regs. 3 and 4.	B See Spec. Reg. <u>42-13</u> .	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; or b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 2. <u>This use not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</u> 2. <u>3.</u> The required review process is as follows: <ol style="list-style-type: none"> 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, 				
If this use can accommodate 13 to 49 students or children, then:				50'	50' on each side	50'									

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10 USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)									
			Front	Side	Rear							
		20'	20' on each side	20'								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. REGULATIONS CONTINUED ON NEXT PAGE
.030	School or Day-Care Center (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 3.4. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 4-5. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 5-6. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 6-7. Structured play areas must be set back from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 7-8. 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. 8-9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 9-10. For school use, structure height may be increased, up to 35 feet, if:

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10	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						
										<p>a. The school can accommodate 200 or more students; and</p> <p>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</p> <p>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</p> <p>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</p> <p>40.11. May include accessory living facilities for staff persons.</p> <p>44.12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p> <p>42.13. Electrical signs shall not be permitted.</p>		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 18.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)									
				Front	Side	Rear							
.040	Mini-School or Mini-Day-Care Center See Spec. Regs. 1 and 2.	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Spec. Reg. 2. 3.	20'	5' but 2 side yards must equal at least 15'.	10'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See Spec. Reg. 8.9.	See KZC 105.25.	<ol style="list-style-type: none"> 1. May locate on the subject property 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 design must minimize adverse impacts on surrounding residential neighborhoods. 2. This use not permitted on properties within the jurisdiction of the <u>Shoreline Management Act. See Chapter 83 KZC.</u> 2.3. Minimum lot size is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3.4. A six-foot-high fence is required along the property line adjacent to the outside play areas. 4.5. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 5.6. Structured play areas must be set back from all property lines by five feet. 6.7. 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. 7.8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8.9. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 9.10. May include accessory living facilities for staff persons. 4.0.11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	
.050	(Reserved)												

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS																				
Section 18.10	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														
.060	Golf Course See Spec. Reg. 1.	Process IIA, Chapter 150 KZC.	1 acre	50'	50' on each side	50'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B	See KZC 105.25.	<p>1. This use not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</p> <p>4.2. Site design must minimize adverse impacts on surrounding residential neighborhoods.</p> <p>2.3. May not include miniature golf.</p> <p>3.4. The following accessory uses are specifically permitted as part of this use.</p> <p>a. Equipment storage facilities.</p> <p>b. Retail sales and rental of golf equipment and accessories.</p> <p>c. A restaurant.</p>								
.070	Public Utility	See Spec. Reg. 1.	None	20'	20' on each side	20'	70%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	A See Gen. Regs. 3 and 4.	C See Spec. Reg. 3.		<p>1. The required review process is as follows:</p> <p>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.</p> <p>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.</p> <p>2. Site design must minimize adverse impacts on surrounding residential neighborhoods.</p> <p>3. 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.</p>								
.080	Government Facility Community Facility												10' on each side	10'						
													See Gen. Reg. 6.							
.090	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									<p>1. For properties within the jurisdiction of the Shoreline Management Act, this use may include a public access pier or boardwalk. See Chapter 83 KZC.</p>									

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
Section 18.10 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						

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM AND RMA) ZONES**20.05** User Guide.

The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RMA 5, RM 3.6, RMA 3.6, RM 2.4, RMA 2.4, RM 1.8 and RMA 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.

Section 20.08

Zone
RM, RMA

Section 20.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new detached, attached or stacked dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
 - 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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).
4. 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.
5. 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.
6. 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 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
7. If the subject property is located between NE Juanita Dr. and Lake Washington or 98th Avenue NE and Lake Washington, refer to Chapter 83 KZC for regulations regarding shoreline setbacks and public pedestrian walkways.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

8. If the property is located in the NE 85th Street Subarea, the following shall apply:
 - 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.
 - 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).
9. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
- ~~10. May also be regulated under the Shoreline Master Program, refer to Chapter 83 KZC.~~
10. For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC for permitted uses, shoreline setback regulations and other additional regulations.
11. 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' 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 Section 83.380 KZC. This regulation does not pertain to the School or Day-Care Center uses that accommodate 50 or more students or children.

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						
.010	Detached Dwelling Units	None	5,000 sq. ft. in an RM and RMA 5.0. Otherwise, 3,600 sq. ft.	20' <u>See Gen Reg. 11.</u>	5', but 2 side yards must equal at least 15'.	10'	60%	RM zone: 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. RMA zone: 35' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 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. 4. No structures, other than moorage structures or public access piers, <u>may be waterward of the ordinary high water mark. See Chapter 83 KZC.</u>
.020	Detached, Attached or Stacked Dwelling Units Stacked Dwelling Units are not permitted in RM and RMA 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.	RM zone: 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 6. RMA zone: 5'	10' See Spec. Reg. 7.	See Gen Reg. 10.		D See Spec. Regs. 4 and 9.			1.7 per unit.	<ol style="list-style-type: none"> 1. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. d. In RM 1.8 and RMA 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. Except for low density uses, 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:

												<p>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.</p> <p>REGULATIONS CONTINUED ON NEXT PAGE</p>
.020	Detached, Attached or Stacked Dwelling Units (continued)											<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>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.</p> <p>7. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</p> <p>8. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.</p> <p>9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.</p> <p><u>10. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.</u></p> <p><u>11. No structures, other than moorage structures or public access piers, may be waterward of the ordinary high water mark. See Chapter 83 KZC.</u></p>
.030	Church	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20' <u>See Gen Reg. 11</u>	20'	20'	70%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' 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.	<p>1. The property must be served by a collector or arterial street.</p> <p>2. No parking is required for day-care or school ancillary to the use.</p> <p>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.</p>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 20.10	USE ↓ REGULATIONS ↓	Require d 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 Property Line	Shoreline Setback						
.040	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	See Chapter 83 KZC.	None	30' <u>See also Spec. Reg. 3- See Chap 83 KZC</u>	5', but 2 side yards must equal at least 15' <u>See Chap 83 KZC</u>	See Chapter 83 KZC.		Landward of the ordinary high water mark 30' above average building elevation. RM Zone 30' above average building elevation. RMA Zone: 35' above average building elevation.	B	B	None	<ol style="list-style-type: none"> 1. Refer to Chapter 83 KZC for additional regulations. 3. The required 30 foot 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 feet 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.

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						
.050	School or Day-Care Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	<p>If this use can accommodate 50 or more students or children, then:</p> <p style="text-align: center;">50' 50' on 50' each side</p> <p>If this use can accommodate 13 to 49 students or children, then:</p> <p style="text-align: center;">20' 20' on 20' each side</p> <p style="text-align: center;"><u>See Gen Reg. 11</u></p>	70%	<p>RM zone: 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.</p> <p>RMA zone: 35' above average building elevation.</p>	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="text-align: center;"><i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i></p> 		

.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. Also see Chapter 83 KZC for properties in shoreline jurisdiction.	7,200 sq. ft.	20 <u>See Gen Reg. 11.</u>	5' but 2 side yards must equal at least 15'.	10'	60%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location. 2. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area. 3. Must be located on a collector arterial or higher volume right-of-way. 4. Placement and scale must indicate pedestrian orientation. 5. Must mitigate traffic impacts on residential neighborhood. 6. Gross floor area may not exceed 3,000 square feet. 7. May not be located above the ground floor of a structure. 8. Hours of operation may be limited to reduce impacts on nearby residential uses. 9. 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 Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.						D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. May locate on the subject property 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 design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines by five feet. 4. 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. 5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

.080	Assisted Living Facility (Not permitted in RM 5.0 or RMA 5.0)	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.	20' <u>See Gen. Reg. 11.</u>	RM zone: 5' but 2 side yards must equal at least 15'. RMA zone: 5'.	10'	60%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' 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 Subarea, 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.
.100	Public Utility	Within the NE 85th Street Subarea, D.R.,	None	20' <u>See Gen. Reg. 11</u>	20' on each side	20'	70%	RM zone: If adjoining a low density zone other	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.

.110	Government Facility Community Facility	Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.		10' on each side	10'	than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.	C See Spec. Regs. 2 and 3.		<p>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.</p> <p>4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:</p> <ol style="list-style-type: none"> It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; The electronic readerboard is no more than 50 percent of the sign area; Moving graphics and text or video are not part of the sign; 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; The electronic readerboard displays messages regarding public service announcements or City events only; 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; The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies; It is located to have the least impact on surrounding residential properties. <p>If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.</p> <p><u>5. A Community Facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</u></p>
.120	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.							<p>1. If any portion of a structure is adjoining a low density zone, then either:</p> <ol style="list-style-type: none"> The height of that portion of the structure shall not exceed 15 feet above average building elevation, or 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 more details</p> <p><u>2. For properties within the jurisdiction of the Shoreline Management Act, this use may include a public access pier or boardwalk. See Chapter 83 KZC.</u></p>

30.19 User Guide. The charts in KZC 30.25 contain the basic zoning regulations that apply in the WD II zones 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.

Section 30.20



Zone
WDII

Section 30.20 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
3. [The required yard abutting an unopened right-of-way shall be a side property rather than a front property line.](#)
4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83

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

Section 30.25	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	Shoreline Setback						
.010	Detached Dwelling Units	None	12,500 sq. ft.	For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either: a. 10' or b. The average of the existing front yards on the properties abutting the subject property to the		See Chapter 83 KZC'	5', but 2 side yards must equal at least 15' OR 5' in each side if Spec Reg 5 is met.	50%	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Special Reg 11 Otherwise, 25' above average building elevation	E	A	2.0 per unit.	<ol style="list-style-type: none"> No structure, other than a moorage structure, may be waterward of the ordinary high water mark. For the regulations regarding moorage, see Chapter 83 KZC. For this use, only one dwelling unit may be on each lot regardless of lot size. For properties located south of the Lake Ave W 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 along both side property lines even if the required shoreline setback is not met. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis, unless otherwise specified in this section. The City will use the setback for this use in RS zones as a guide for this use. 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% of the floor area of the first story, subject to the following conditions: <ol style="list-style-type: none"> 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 Section 83.380 KZC. The required floor area reductions shall be incorporated <u>along the entire length of the façade of one or both facades facing the side property lines</u> in order to provide separation between neighboring residences.. <u>This provision shall not apply to residences that do not contain a ceiling height greater than 16 feet only</u> 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). <u>The calculation of gross floor area shall apply the provisions established in KZC 115.42.1. Uncovered</u>

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

Section 30.25	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	Shoreline Setback/High Water Line						

			north and south.									<p><u>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.</u></p> <p>6. 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). The front required yard provisions shall not apply to public street ends located west of Waverly Way, which shall be regulated as a side yard.</p> <p>7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</p> <p>9. The required yard along the east side of the vehicular access easements known as 5th Ave W or Lake Avenue West is 0 feet.</p> <p>10. The required yard along the west side of the vehicular access easements known as 5th Ave W or Lake Avenue West is either 5 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 Section 105.47.</p> <p>11. For the increase in height, all structures 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 Section 83.380 KZC.</p> <p>12. At the northern terminus of the 5th Ave West vehicular access easement, the average parcel depth shall be</p>
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.25	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	Side Property Line							Shoreline Setback
												measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.		
.020	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit	See Chapter 83 KZC	None	Landward of the High Waterline				5', but 2 side yards must equal at least 15'.	See Chapter 83 KZC Landward of the High Waterline, 25' above average building elevation. Waterward of the High Waterline, dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the dock.	E	See Spec. Reg. 8.	None	Refer to Chapter 83 KZC for additional regulations.	
			20'	5'	10'	--								
				Waterward of the High Waterline										
				--'	10'	10'	--							
				In addition, no moorage structure may be within either a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. See Special Regulation 1. See Chapter 83 KZC.										
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20'	20'	The greater	5', but 2 side yards	70%	25' above average building	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods.

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

Section 30.25	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	Shoreline Setback High Water Line							Side Property Line
.040	Government Facility Community Facility				of: a. 15' or b. 15% of the average parcel depth. See Chapter 83 KZC	must equal at least 15'		elevation	C See Spec. Reg. 4.		2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal facade shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. If either a north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. 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. 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 nearby uses			
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.								1. If any portion of a structure is adjoining a low density zone, then either: 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. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 2. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park, if the development is approved as part of a Master Plan. 3. This use may include a public access pier or boardwalk. See KZC 30.15.030 Chapter 83 KZC for regulations regarding these uses.				

MINOR AMENDMENTS TO CHAPTERS 135, 140 and 160

Chapter 135 – AMENDMENTS TO THE TEXT OF THE ZONING CODE

Sections:

- [135.05](#) User Guide
- [135.10](#) Applicable Process
- [135.15](#) Initiation of Proposals
- [135.20](#) Threshold Determination for Citizen-Initiated Proposals
- [135.25](#) Criteria for Amending the Text of the Zoning Code
- [135.30](#) Moratoria and Interim Land Use Regulations
- [135.35](#) Response to a Court or Growth Management Hearings Board Appeal or Decision

135.10 Applicable Process

The City generally will use Process IV described in Chapter [160](#) KZC to review and decide upon a proposal to amend the text of this code. However, some minor Zoning Code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter [161](#) KZC. Process IVA is used for proposals which are not controversial and do not need extensive policy study.

A proposal to amend Chapters 83 and 141 requires formal review and approval by the Washington State Department of Ecology as described in Chapter 160.

135.25 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

No changes to Sections 135.05, 135.15 through 135.20 or 135.20 through 135.35

Chapter 140 – AMENDMENTS TO THE COMPREHENSIVE PLAN

Sections:

- [140.05](#) User Guide
- [140.10](#) Applicable Process
- [140.15](#) Initiation of Proposals
- [140.20](#) Threshold Determination for Citizen-Initiated Proposals
- [140.25](#) Factors to Consider in Approving an Amendment to the Comprehensive Plan

- [140.30](#) Criteria for Amending the Comprehensive Plan
- [140.35](#) Emergency Plan Amendment
- [140.40](#) Response to a Court or Growth Management Hearings Board Appeal or Decision
- [140.45](#) Responsibility To Review

140.10 Applicable Process

The City will use Process IV described in Chapter [160](#) KZC to review and decide upon a proposal to amend the Comprehensive Plan.

A proposal to amend the Shoreline Area Chapter of the Comprehensive Plan requires formal review and approval by the Washington State Department of Ecology as described in Chapter 160.

140.30 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

No changes to Sections 140.05, 140.15 through 140.25 and 140.35 through 140.45

Chapter 160 – PROCESS IV

Sections:

- [160.05](#) User Guide
- [160.15](#) Initiation of Proposals
- [160.20](#) Compliance with SEPA
- [160.25](#) Threshold Review
- [160.35](#) Official File
- [160.40](#) Notice
- [160.45](#) Staff Report
- [160.50](#) Community Council Proceeding
- [160.55](#) Public Hearing
- [160.60](#) Material To Be Considered
- [160.65](#) Electronic Sound Recordings
- [160.70](#) Public Comments and Participation at the Hearing
- [160.75](#) Continuation of the Hearing
- [160.80](#) Planning Commission Action
- [160.85](#) Planning Commission Report to City Council
- [160.90](#) Publication and Effect

[160.95](#) Jurisdiction of the Houghton Community Council

[160.100](#) Jurisdiction of the Washington State Department of Ecology

No change to 160.05 through 160.95

160.100 Jurisdiction of the Washington State Department of Ecology

The Washington State Department of Ecology is authorized under the authority of the Shoreline Management Act of RCW Chapter 90.58 and WAC Chapter 173-26 to approve, deny or propose modifications to the City's shoreline master program (SMP). The City's SMP includes the Shoreline Area chapter of the Comprehensive Plan and Chapters 83 and 141 KZC. For these components of the SMP, the City Council shall take action pursuant to KZC 165.85 and then direct the Planning Official to forward the amended SMP components to the Department of Ecology for formal review and final approval.