



**CITY OF KIRKLAND**

**What are some of the key changes proposed?**

The following summarizes some of the major anticipated changes included in Kirkland’s proposed update to its Shoreline Master Program. These changes are still under review and would not become effective until approved by the City Council and Washington State Department of Ecology.

**New State General Performance Standards:**

- No net loss of ecological function on both a site by site basis and entire shoreline area. (see KZC 83.360.1)
- Mitigation sequencing when mitigation analysis is required to meet no net loss (see KZC 83. 360.2)

**New Uses:**

The proposal contains a number of new proposed uses that have not been previously addressed through the SMP, as follows:

- Float plane landing and mooring facilities as a Conditional Use in the Urban Mixed Shoreline Environment.
- Concession Stand as a permitted use in the Urban Conservancy and Urban Mixed Environments.
- Tour Boat Facility as a permitted use in the Urban Mixed Environment.
- Passenger-only Ferry terminal as a Conditional Use in the Urban Mixed Environment.
- Water Taxi as a permitted uses, accessory to public parks and marinas.

<b>Major Changes</b>		
	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
<b>Shoreline Designations</b>		
<b>Shoreline Designations (see shoreline designation map)</b>	<b>Conservancy Environment.</b> These are characteristically large undeveloped or sparsely developed areas exhibiting some natural constraints such as wetland conditions, frequently containing a variety of flora and fauna and in a	<b>Natural.</b> Protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. The natural environment also protects shoreline areas

<b>Major Changes</b>		
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	<p>natural or seminatural state.</p> <p><b><u>Suburban Residential Environment.</u></b> These are areas typified by single-family residential development medium sized or larger lots in areas where topography, transportation systems and development patterns make it extremely unlikely that more intensive use would be appropriate.</p> <p><b><u>Urban Residential Environment.</u></b> These are areas containing, for the most part, single-family residential uses on small lots and multifamily residential developments, with some land being used for restaurants, marinas, and other commercial uses which depend on or benefit from a shoreline location.</p> <p><b><u>Urban Mixed Use Environment.</u></b> The two types of areas which are appropriate for this classification are as follows:                      (A) Areas which have been intensively developed with a mix of residential and commercial uses;                      (B) Large mostly undeveloped areas without serious environmental constraint and with good access which will allow for more intensive mixed use development.</p>	<p>possessing natural characteristics with scientific and educational interest. These systems require restrictions on the intensities and types of land uses permitted in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.</p> <p><b><u>Urban Conservancy.</u></b> Protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.</p> <p><b><u>Residential – L.</u></b> Accommodate low-density residential development and appurtenant structures that are consistent with this chapter.</p> <p><b><u>Residential - M/H.</u></b> Accommodate medium and high-density residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses, as well as limited water-oriented commercial uses which depend on or benefit from a shoreline location.</p> <p><b><u>Urban Mixed.</u></b> Provide for high-intensity land uses, including residential, commercial, recreational, transportation and mixed-used developments. The purpose of this environment is to ensure active use of shoreline areas that are presently urbanized or planned for intense urbanization, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.</p> <p><b><u>Aquatic.</u></b> Protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.</p>

<b>Major Changes</b>		
	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
<b>Shoreline Setbacks</b>		
<b>Shoreline Setbacks</b>	<p><b>Suburban Residential:</b> 15', 15% of average parcel depth, or if dwelling units exist immediately adjacent both to the north and south of the subject property, the high waterline yard of the subject property is increased or decreased to be the average of the high waterline yards of these adjacent dwelling units</p> <p><b>Urban Residential and Urban Mixed-Use:</b> 15' or 15% of average parcel depth, whichever is greater</p> <p><b>Conservancy:</b> None, largely determined by buffers</p>	<p><b>Residential L:</b></p> <ul style="list-style-type: none"> <li>○ North of Lake Ave W Street End Park: 30% of average parcel depth with 30' minimum and 60' maximum. See KZC 83.180</li> <li>○ South of Lake Ave W Street End Park: Average of the existing setback on adjacent properties, with 15' minimum. See KZC 83.180</li> </ul> <p><b>Urban Mixed and Residential M/H:</b> 15% of average parcel depth with 25' minimum. See KZC 83.180</p> <p><b>Urban Conservancy:</b> Water-dependent uses: 0', Water-related use: 25', Water-enjoyment use: 30', Other uses: Outside of shoreline jurisdictional area, if feasible, otherwise 50'. See KZC 83.180</p> <p><b>Natural:</b> New expanded critical area buffers</p>
<b>Setback Reductions</b>	None provided, except as authorized under a variance application.	Provide reduction of setback to potential minimum 25 feet for all uses, except 15 feet for properties in the Residential-L environment south of Lake Ave W Street End Park, in exchange for improvement in ecological functions. See KZC 83.380.
<b>Nonconformances</b>		
<b>Nonconformances – General Provisions</b>	Nonconforming development may be continued provided that it is not enlarged, intensified, increased or altered in any way which increases its nonconformity.	Nonconforming structures may be maintained, remodeled, repaired and continued; provided that nonconforming development shall not be enlarged, intensified, increased or altered in any way which increases its nonconformity, except as specifically permitted in KZC 83.550.
<b>Additions to structures which do not conform to setback standards</b>	Not permitted, except as authorized under a variance application.	Enlargement or expansion of existing structures in the shoreline setback is permitted under certain conditions. The expansion shall not exceed 10 percent of the gross floor area of the existing dwelling unit prior to the expansion and shall not extend further waterward than the existing primary residential structure as permitted in KZC 83.550.5.

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		<p>The applicant must restore a portion of the shoreline setback area to offset the impact, such that the shoreline setback area will function at a higher level than the existing conditions.</p> <p>May alter or add windows and/or doors to existing walls provided that non conformance is not increased. See KZC 83.550.5.b.</p>
<b>Replacement of nonconforming structure – General Provisions</b>	Must comply with setback standards.	Must comply with setback standards, except special allowance for replacement of existing nonconforming structures located on lots encumbered by critical areas and shoreline setback that reduces buildable area to less than 3,000 square feet as described in KZC 83.550.6 and 7.
<b>Replacement of nonconforming structure damaged by fire or other casualty</b>	Only permitted to be replaced if damage does not exceed 75% of the replacement cost of the original structures.	May be restored or replaced in kind, subject to conditions in KZC 83.550.4.
<b>Critical Areas</b>		
<b>Wetland Buffers</b>	<p><b><u>Primary Basin:</u></b>                      Type I Wetland: 100 feet                      Type 2 Wetland: 75 feet                      Type 3 Wetland: 50 feet</p> <p><b><u>Secondary Basin:</u></b>                      Type I Wetland: 75 feet                      Type 2 Wetland: 50 feet                      Type 3 Wetland: 25 feet</p>	<p>New critical area regulations in KZC 83.500 (wetlands) and 83.510 (streams). Mirror KZC 90 but change in wetland buffer widths and some flexibility provisions.</p> <p>New numerical rating system (no longer use Type 1, 2 or 3 standards) and new wetland buffer setbacks apply only those associated with a wetland within shoreline jurisdiction. See KZC 83.500.4.</p> <p>No Reasonable Use Exemption option. Must apply for a shoreline variance (DOE would not approve the reasonable use exemption provisions since it does not require DOE approval )</p> <p>No change in stream buffer widths since shoreline streams are either totally contained in wetlands or are developed on</p>

<b>Major Changes</b>		
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		<p>all sides so that buffers cannot be increased. See KZC 83.510.4</p> <p>Shoreline wetland buffers apply only to that portion of the buffer located within 200 feet of OHWM (not to wetlands located in shoreline jurisdiction, but buffers outside of 200 feet from OHWM).</p> <p>Buffer width would be dependent on existing wetland characteristics (new rating system. Based on current knowledge of wetland functions and values, the following buffers may be required:</p> <p>Forbes Creek wetlands: 150 feet                      Yarrow Bay wetlands: 125 feet                      South Juanita Slope: 75 feet                      Juanita Beach Park: 50 feet</p>
<b>Tree Management and Vegetation in Shoreline Setback</b>		
<b>Required Vegetation in Shoreline Setback</b>	No specific standards.	<p><u>Residential Low, Urban Mix and Urban Conservancy:</u></p> <ul style="list-style-type: none"> <li>• 10 ft wide planted with native vegetation along 75% of the shoreline frontage. May vary down to 5 ft in width but total area must equal at 10 ft wide area.</li> <li>• Does not apply to swimming and boat access areas. See KZC 83.400.3.b.</li> </ul> <p><u>Residential Medium High:</u>                      Same as Residential Low, except that multifamily developments must provide the following: 15 ft wide average wide average with native vegetation planting along 75% of the shoreline frontage, but total area must equal 15 ft wide area. See KZC 83.400.3.b.</p> <p>Required public access walkway may enter into vegetation area provided that total vegetation requirement is met. KZC</p>

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		<p>83.400.3.b.</p> <p>Provisions for alternatives provided.</p> <p>Nonconforming shoreline vegetation must be brought into conformance for alterations that exceed 50% of the replacement cost of all structures on the property. In addition, for commercial and multifamily, the threshold is also any increase of at least 10% of the gross floor area of any structure in the shoreline jurisdiction. See KZC 83.550.5.g.</p>
<b>Tree Management</b>	<p>No specific standards (in SMP). Subject to Chapter 95 KZC Standards, including (but not limited to):</p> <ul style="list-style-type: none"> <li>○ Up to 2 significant trees allowed to be removed from property within a 12 month period</li> <li>○ No replanting required, unless the trees to be removed are the last two significant trees on the property, in which case one-for-one replacement is required</li> <li>○ Submittal of Tree Plan requirement for development activities</li> <li>○ Minimum tree density for residential property of 30 tree credits per acre.</li> </ul>	<p><u>Removal of Trees in Shoreline Setback:</u> See KZC 83.400.1.</p> <ul style="list-style-type: none"> <li>• Trees 12 inches in diameter or less, replace at 1:1 ratio.</li> <li>• Trees greater than 12 inches but less than 24 inches in diameter, replace at 1:1 ratio plus 80 square feet of riparian vegetation</li> <li>• Trees 24 inches in diameter or greater, cannot be removed unless a hazard or nuisance tree. If can be removed, then a 2:1 ratio.</li> </ul> <p>Fallen trees must be replaced at 1:1 ratio if overall site tree density is not met.</p> <p><u>Alternative Replacement:</u> At least 80 square feet of native shrubs and groundcover for each tree, but must show that no net loss will be met.</p>
<b>Miscellaneous</b>		
<b>View Corridors</b>	<p>For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained.</p>	<p>For properties lying waterward of Lake Washington Boulevard and Lake Street South, a minimum view corridor of 30% of the average parcel width must be maintained. Standard does not apply to properties located in the UM Shoreline Environment within the Central Business District zone (no longer applicable in the Juanita Business District. See KZC 83.410.</p>

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	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
		Solid fencing, parking structures, parking lots or landscaping that blocks views are not allowed.
<b>Public Pedestrian Access</b>	Required for all uses, except single family on one lot with no ADU (ADU's trigger public access requirement)	Required for all uses, except: <ul style="list-style-type: none"> <li>• Single-family that does not involve a subdivision</li> <li>• A subdivision of 4 or fewer single family lots in the Residential L environment (currently there are no lots that can be subdivided into 5 lots within 200 feet of the shoreline in Residential L.. See KZC 83.420.</li> </ul> ADU's do not trigger public access requirement.
<b>Lighting</b>	No specific standards.	Direction and shielding requirements. Some light level standards. See KZC 83.470.
<b>Piers serving single family residences</b>		
<b>Maximum Area:</b> surface coverage, including all attached float decking, ramps, ells and fingers	Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. The city will specifically review the size and configuration of each proposed moorage structure to help ensure that: <ol style="list-style-type: none"> <li>(1) The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line;</li> <li>(2) The moorage structure is not larger than is necessary to moor the specified number of boats; and</li> <li>(3) The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and</li> <li>(4) The moorage structure will not adversely affect nearby uses; and</li> </ol>	<b>See KZC 83.270 for all regulations concerning single family piers and docks</b> <p>480 sq. ft. for single property owner</p> <p>700 sq. ft. for joint-use facility used by 2 residential property owners</p> <p>1000 sq. ft. for joint-use facility used by 3 or more residential property owners</p> <p>Where pier cannot reasonably be constructed under the area limitation above to obtain moorage depth of 10 ft. measured above OHWM, an additional 4 sq. ft. of area may be added for each additional foot of pier length needed to reach 10 feet of water depth.</p> <p>OR</p> <p><u>Administrative approval</u> allowed for larger area, provided</p>

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	(5) The moorage structure will not have a significant long-term adverse effect on aquatic habitats. (SMP)	design is approved by federal and state agencies with jurisdiction.
<b>Maximum Length</b> for piers, docks, ells, fingers and attached floats	150' (Zoning Code)	150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation.  26 ft. for ells  20 ft. for fingers and float decking attached to a pier
<b>Maximum Width</b>	May not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width (Zoning Code).	4 ft. for pier or dock within 30 ft of OHWM and 6 ft beyond that point  6 ft. for ells  2 ft. for fingers  6 ft. for float decking attached to a pier, must contain a minimum of 2 ft. of grating down the center of the entire float.
<b>Height</b> of piers and diving boards	Waterward of the high waterline, pier and dock decks may not exceed a height of twenty-four feet above mean sea level. (Note: This is less than 1.5 feet above OHW).	Minimum of 1.5 ft above OHWM, except the floating section of a dock and float decking attached to a pier  Maximum of 3 feet above deck for diving boards or similar features above the deck surface
<b>Minimum Water Depth</b> for ells and float decking attached to a pier	Not specifically addressed.	9 ft. above OHWM for ells and fingers  10 ft above OHWM for float decking attached to a pier
<b>Decking</b> for piers, docks walkways, ells and fingers	Not specifically addressed.	Piers must be fully grated with 40% open area  If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 ft. of grating down the center of the entire float shall be provided
<b>Location</b> of ells, fingers and deck platforms	Not specifically addressed.	No closer than 30 ft. waterward of the OHWM  0 ft. to 30 ft. of the OHWM only can contain access ramp portion of pier or dock

<b>Major Changes</b>		
	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
<b>Pilings and Moorage Piles</b>	Not specifically addressed.	First set of piles located no closer than 18 ft from OHWM
<b>Additions to Existing Piers</b>	Must meet same standards as new.	Must demonstrate need for addition (safety, depth) Convert existing nearshore decking to grated decking equivalent in size to the additional surface coverage
<b>Replacement of Existing Piers</b>	Must meet same standards as new.	Must meet the dimensional and design standards for new piers, but can be <u>administratively approved</u> for the following alternative design features: <ul style="list-style-type: none"> <li>• Increased pier area, but no larger than existing pier.</li> <li>• Max. 26 ft. length for fingers and float decking attached to a pier</li> <li>• Max 8 ft. width for ells and float decking attached to a pier</li> </ul>
<b>Boatlifts and Canopies</b>	Canopies are not permitted.	<ul style="list-style-type: none"> <li>• 1 boatlift and 2 jet ski lifts per dwelling unit</li> <li>• 1 boatlift canopy per detached dwelling unit</li> <li>• 2 boatlift canopies or equal to 10% of the dwelling units on the property, whichever is greater, for multi-family.</li> <li>• Canopies must be translucent</li> <li>• Top of canopy no more than 7 feet above the pier and lowest edge of canopy at least 4 feet above OHWM</li> </ul>
<b>Shoreline Stabilization</b>		
<b>Permits</b>	<p>Bulkheads may be exempt from shoreline substantial permit requirements only if specific criteria are satisfied, including: erosion from waves or currents is imminently threatening a legally established residence from loss or damage by erosion.</p> <p>The following permits are required for bulkheads and similar structures:</p> <p>Urban Mixed 1: Substantial Development Permit. Urban Mixed 2: Substantial Development Permit.</p>	<p>Bulkheads may be exempt from shoreline substantial permit requirements only if specific criteria are satisfied, including: erosion from waves or currents is imminently threatening a legally established residence from loss or damage by erosion.</p> <p>The following permits are required for Hard Structural Shoreline Stabilization: See KZC 83.170 (last page of chart)</p> <p>Residential – L: Substantial Development Permit.</p>

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	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
	Urban Residential 1: Substantial Development Permit. Urban Residential 2: Substantial Development Permit. Suburban Residential: Substantial Development Permit. Conservancy 1: Not permitted. Conservancy 2: Not permitted.	Residential – M/H: Substantial Development Permit. Urban Mixed: Substantial Development Permit. Urban Conservancy: Conditional Use. Natural: Not permitted.
<b>Allowable Reasons For Stabilization</b>	Generally to prevent erosion of the shoreline  A bulkhead or other shoreline protective structure may be constructed only if: (1) It is needed to prevent significant erosion of the shoreline; and (2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.	<p><b>See KZC 83.330 for all regulations concerning hard and soft shoreline stabilization</b></p> <p>Generally, protective structures allowed for erosion from waves or currents is imminently threatening a legally established residence, and existing or new water-dependent development, or for restoration or a hazardous waste remediation site</p> <p>New requirements based on DOE Guidelines (a requirement).</p> <p>New or replacement bulkheads are allowed to protect primary structures for any permitted use when there is a demonstrated need and soft engineering isn't sufficient.</p> <p>No need for demonstration if structure is 10 feet or closer from the OHWM for replacement structure.</p> <p>Existing primary structure must be in danger from erosion caused by tidal action, currents or waves, not upland erosion.</p> <p>Danger must be documented by geotech analysis showing damage is likely within 3 years. Geotechnical report may be waived if primary structure located within 10 feet of OHWM.</p> <p>Existing bulkhead may be replaced if there is demonstrated</p>

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	<b>Current Shoreline Program</b>	<b>Changes in Draft Shoreline Program</b>
		<p>need to protect principal structures. Written narrative may be waived if primary structure located within 10 feet of OHWM.</p> <p>If necessary, soft approaches must be used unless demonstrated to be not sufficient.</p>
<b>Prohibited Locations</b>	Bulkheads and other shoreline protective structures may not be constructed within a marsh, bog or swamp or between a marsh, bog or swamp and the lake.	Within Natural Environment Designations.
<b>Design Considerations</b>	Bulkheads and other shoreline protective structures must be designed to minimize the transmittal of wave energy to other properties.	Use soft structural shoreline measures to maximum extent possible. Address connections to adjoining properties.
<b>Placement</b>	Bulkheads and other shoreline protective structure may not be placed waterward of the high waterline, unless: (1) It is to stabilize a fill approved under Section <a href="#">24.05.195</a> ; or (2) There has been severe and unusual erosion within one year immediately preceding the application for the bulkhead or other similar protective structure. In this event, the city may allow the placement of the bulkhead or other similar protective structure to recover the dry land area lost by this erosion.	Replacement hard structural shoreline stabilization measures shall not encroach waterward of the ordinary high water mark or waterward of the existing shoreline stabilization measure unless the primary structure was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement structures shall be located at or landward of the existing shoreline stabilization structure.
<b>Change in Configuration of Land</b>	Except as otherwise specifically permitted in this chapter, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.	If OHWM shifts landward with installation of soft structural shoreline stabilization, lot area and setback will vest based upon existing OHWM prior to restoration.
<b>Fill waterward of the OHWM</b>	Only permitted if: (A) The application is filed by a public agency to improve navigability, public recreation, or public safety; or (B) The application is to create a public use or recreation area.	Permitted under a substantial development permit when associated with a restoration or enhancement project.
<b>Mitigation</b>	None, except as may be required under environment review under the State Environmental Policy Act (SEPA)	Planting of riparian vegetation a minimum of 10-foot wide along the 75 % of the length of the shoreline immediately landward of OHWM.

Major Changes	
Current Shoreline Program	Changes in Draft Shoreline Program
	Install gravel/cobble beach fill waterward of the ordinary high water mark.

In addition, the City is proposing several changes to the Zoning Code to offset proposed increases in the shoreline setback, as follows:

Major Changes		
	Current Zoning	Proposed Changes
<b>WD II Zone Changes (single-family area north of CBD)</b>		
<b>Building Height</b>	25' above average building elevation	30' above average building elevation for properties with 45' of shoreline frontage and if structure conforms to the standard shoreline setback requirements or otherwise approved shoreline setback reduction. See KZC 83.180.3 and revised WDII use zone charts
<b>Front Required Yard</b>	20', except that if the high waterline yard is increased as a result of these adjacent dwelling units, the required yard opposite the high waterline yard may be decreased to be the average of the yards of the properties immediately adjacent to the subject property on the north and south.	See revised WDII use zone charts.  <b>Front yard setback</b> of 10', provided that shoreline setback (or reduced setback) provisions are met.  For properties located south of the Lake Ave S 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.
<b>Special Regulation 5 (sun angle setback)</b>	Each portion of a structure must be setback from the north property line by a distance equal to or greater than the height of that portion of the structure above the north property line minus five feet. (See Plate 22).	<b>Side yard setback</b> of 5' with 2 equaling 15' OR 5' on each side with upper modulation at 15% less than 1 <sup>st</sup> floor (sun angle setback has been deleted). See revised WDII use zone charts)
<b>WD I and III Zone Changes (higher density area south of CBD)</b>		

Front Required Yard	30'	Reduce <b>front yard setback</b> by 1 ft for each foot required shoreline setback is increased if shoreline setback is met. See revised WD I and WDII use zone charts
North Required Yard	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	<b>Side yard setback</b> of 5' with 2 equaling 15' (no more north property line setback). See revised WD I and WDII use zone charts
<b>CBD</b>		
<b>Density</b>	1800 square feet per unit	No density limit. See revised CBD use zone charts