
City of Kirkland

Planning and Building Department



Land Acknowledgment

We acknowledge that the Southern Salish Sea region lies on the unceded and ancestral land of the Coast Salish peoples, the Duwamish, Muckleshoot, Puyallup, Skykomish, Snoqualmie, Snohomish, Suquamish and Tulalip tribes and other tribes of the Puget Sound Salish people, and that present-day City of Kirkland is in the traditional heartland of the Lake People and the River People. We honor with gratitude the land itself, the First People – who have reserved treaty rights and continue to live here since time immemorial – and their ancestral heritage.

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place for everyone to be. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

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Kirkland Planning Commission

Agenda

Regular Meeting - Hybrid

Council Chamber and Virtual
Thursday, July 24, 2025
6:00 PM

To join the meeting via Zoom:

<https://kirklandwa-gov.zoom.us/j/84038812324?pwd=ajlnT01Fd2VHVmJvSE9SUXQ3ZDZaQT09>

Passcode: 114965

Webinar ID: 840 3881 2324

To join via telephone: +1 253 215 8782 US (Tacoma) US

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If you have questions about an item on the agenda, please contact the project planner listed below.

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<https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Commission>

1. **Call to Order**
2. **Roll Call**
3. **Comments From the Audience - Limited to 3 Minutes**
4. **Special Presentations**
5. **Study Session**
 - a. State Legislative Session Review

Purpose: Staff recommends that the Planning Commission (PC) receives a briefing on the recent State Legislative session, including an overview of State legislation the City is required to implement locally in the coming years through Kirkland Zoning Code (KZC) amendments.

Staff Contact: Lindsay Levine, Senior Planner

b. Critical Areas Ordinance Update Study Session #2; File No. CAM25-00248

Purpose: The Planning Commission (PC) should receive a briefing and hold a second focused study session to discuss staff's recommended approach to the periodic Critical Area Ordinance (CAO) updates regarding fish and wildlife habitat areas (streams) and geologically hazardous areas. The PC should provide feedback on the proposed code update approach for the two focus areas, respond to staff's questions, and identify additional questions for further consideration, and/or any additional research to consider in the code update.

Staff Contact: Jennifer Anderer, Associate Planner

6. **Public Hearings**

7. **Reading and / or Approval of Minutes**

8. **Administrative Reports and Planning Commission Discussion**

a. Public Meeting Calendar

9. **Comments From the Audience**

10. **Adjournment**

Note: If you would like more information on an item on this agenda, please call the Planning & Building Department at 425-587-3600. **Please refer to the file number and planner listed for that item.**

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- [Planning Commission Rules of Procedure](#)

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CITY OF KIRKLAND
PLANNING AND BUILDING
 123 Fifth Avenue, Kirkland, WA 98033
 425-587-3000

MEMORANDUM

To: Planning Commission

From: Lindsay Levine, AICP, Senior Planner
 Adam Weinstein, AICP, Planning and Building Director
 Allison Zike, AICP, Deputy Planning and Building Director

Date: July 15, 2025

Subject: **State Legislative Session Review**

RECOMMENDATION:

Staff recommends that the Planning Commission (PC) receives a briefing on the recent State Legislative session, including an overview of State legislation the City is required to implement locally in the coming years through Kirkland Zoning Code (KZC) amendments.

EXECUTIVE SUMMARY:

- The Washington State legislature adopts many bills every year, some of which pertain to the City's Planning & Building Department.
- Some bills require the City to adopt KZC or Kirkland Municipal Code (KMC) amendments in order to comply.
- This memo outlines relevant legislation and bills that require staff time to implement.
- Implementation of these bills will likely affect upcoming Planning Work Programs.

BACKGROUND:

The State Legislature convened for its regular session on January 13, 2025, and concluded on April 27, 2025, during which the Legislature adopted the 2025-2027 budget and legislation covering a wide variety of policy areas.

The City Council's Legislative Workgroup (LWG) met weekly throughout the session to track the status of the City's priorities and provide support and oversight of strategies to achieve the City's priorities. The LWG during the 2025 session included Mayor Curtis, Councilmember Black, and Councilmember Sweet.

During each session, legislative proposals are introduced in Olympia by lawmakers in both the Senate and House. Any bills that are relevant to Kirkland's legislative agenda (adopted annually by City Council) or are city-related are flagged for review. These bills are assigned to department subject-matter advisors to review and determine potential impacts to the City. Bills related to planning and/or building are reviewed by several staff members in the Planning and Building Department, including the Director, Deputy Director, Building Official, Planning Manager, and other staff with specific areas of expertise. Staff also make an initial assessment and recommendation on what the City's position might be on a given bill. The City's Government Affairs team then provides reviewed bills, their analysis, and staff's recommendations to Council's LWG for further

review. The LWG, whose activities are guided by the Council's adopted legislative agenda, discuss and finalize position recommendations for Council approval. The Council may concur with or modify the recommendations.

In addition to the staff presentation, the City's Government Affairs Manager, Diana Hart, will attend the PC's July 24, 2025 meeting to provide insight on the legislative process and how the City participates in the process.

DISCUSSION/ANALYSIS:

Staff compiled bills that require implementation in the Planning & Building Department from the 2023-2024 legislative session in Table 1 and the 2025 legislative session in Table 2. These tables include bills where implementation was recently completed this year as part of code amendment projects. The 2025 miscellaneous code amendments project is being utilized as an opportunity to implement some of the code amendments required by certain bills that would result in relatively minor edits to code, as shown in the tables. The below subsections highlight select bills that staff expect will require significant work to implement (i.e., they are already on the Planning Work Program (PWP) as a line item task, or are likely to be added in the next PWP update). A comprehensive list of planning and building related bills are included in subsequent sections.

HB 1096: Increasing Housing Options Through Lot Splitting

Washington State House Bill 1096 (HB 1096) requires cities to allow an administrative review process for a lot split, which may be combined with a concurrent review of a residential building permit for new single-family or middle housing. The application process may require only an administrative decision through which the application is reviewed based on clear and objective development standards and without a pre-decision public hearing. Zoning Code amendments are needed to implement this bill by the July 27, 2027 deadline; the PC and Council should consider the implementation timeline with the next Planning Work Program update.

HB 1293: Streamlining Development Regulations

This bill requires that the City apply only clear and objective regulations to the exterior design of a new development, that the design review process be conducted concurrently with the review and decision process for project permits, and that the design review process not include more than one public meeting. The City hired a consultant to analyze the City's current design review process and provide options to Staff about how the process can be modified to comply with the requirements and to recommend any necessary Zoning Code amendments. Staff held a briefing at the January 9, 2025 PC meeting¹ and work is ongoing.

HB 1998: Concerning Co-Living Housing

Co-Living Housing is a residential use with independent lockable sleeping units that provide living and sleeping space with communal kitchen facilities that are shared between all the units. The State bill requires cities to allow for Co-Living Housing on any lot that could develop six or more multi-family units and sets restrictions on the review process and development standards that can be applied to Co-Living Housing. Staff are pursuing a minimum compliance approach to implement HB 1998 by the required deadline of December 31, 2025. This includes Zoning Code amendments to address use type, use allowance, review process, density, parking, affordable housing requirements, mixed use, sewer connection fees, and other development standards. Staff held a briefing at the PC meeting on July 10, 2025.² The Planning Commission public hearing is tentatively scheduled for August 28, 2025.

¹ <https://kirklandwa.primegov.com/Portal/Meeting?meetingTemplateId=2343>

² <https://kirklandwa.primegov.com/portal/item?id=6257>

HB 1491: Promoting Transit-Oriented Development

HB 1491 defines a station area as all lots within an Urban Growth Area (UGA) that are fully or partially within 0.25 miles of a stop on a fixed route bus system that is designated as an existing bus rapid transit stop or designated as one in a transit development plan. The bill establishes rules for station areas regarding minimum allowed density, density bonuses, affordability requirements, multifamily property tax exemption, limitations on minimum residential parking requirements, and State Environmental Policy Act (SEPA) exemptions for residential or mixed-use development within a station area. In Kirkland, these rules apply to the NE 85th Street Station Area and Totem Lake, as these are the areas of the future Sound Transit Bus Rapid Transit (BRT) stations. These rules also apply to areas within 0.25 miles of the future King County Metro RapidRide K Line, which will connect bus riders to Totem Lake, the future BRT Station at NE 85th Street, the South Kirkland Park & Ride, and Link Light Rail in Downtown Bellevue. The PC received a briefing on the 2025 miscellaneous code amendments on July 10, 2025,⁵ which included the SEPA exemption required for implementing this bill. The public hearing for the 2025 miscellaneous code amendments will be held at a PC meeting in the coming months. Significant Zoning Code amendments are needed for implementing the other sections of this bill. The PC and Council could consider the implementation timeline with the next Planning Work Program update or during a subsequent update since the implementation deadline is December 31, 2029.

SB 5184: Concerning Minimum Parking Requirements

This bill prohibits cities from requiring more than 0.5 parking space per multifamily dwelling unit or more than one parking space per single-family home and prohibits cities from requiring more than two parking spaces per 1,000 square feet of commercial space. SB 5184 also prohibits minimum parking requirements for certain types of uses (e.g., senior housing, child care facilities, residences under 1,200 square feet, affordable housing, and commercial spaces under 3,000 square feet), with certain exceptions. Significant Zoning Code amendments are needed to implement this bill by the January 27, 2027 deadline; the PC and Council should consider the implementation timeline with the next Planning Work Program update.

Table 1: 2023-2024 State Legislative Session – City Planning & Building Bills

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
HB 1042 ⁶	6/30/2025	Concerning the use of existing buildings for residential purposes	Promotes conversion of existing commercial and mixed-use multi-unit housing by removing restrictions.	<i>Implementation in-progress:</i> Zoning and Municipal Code amendments to address this bill are part of the 2025 miscellaneous code amendments - PC hearing will occur in 2025.
HB 1110 ⁷	6/30/2025	Increasing middle housing in areas traditionally dedicated to single-family	Requires cities to allow a broader range of housing types in areas that have allowed predominantly detached homes.	<i>Implementation complete:</i> middle housing Zoning Code amendments adopted by Council 6/17/2025.

⁵ <https://kirklandwa.primegov.com/portal/item?id=6258>

⁶ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1042-S.SL.pdf?q=20250703113532>

⁷ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1110-S2.SL.pdf?q=20250703113709>

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
		detached housing		
HB 1293 ¹¹	6/30/2025	Streamlining Development Regulations	Establishes standards for streamlined local design review.	<i>Implementation in-progress:</i> compliance will require Zoning Code amendments, Design Guideline amendments, and procedural updates. PC public hearing on code amendments expected in Summer 2025.
HB 1337 ¹²	6/30/3035	Expanding housing options by easing barriers to the construction and use of accessory dwelling units	Requires cities to allow for at least two ADUs on lots that allow single-family homes. Cities must comply with additional policies that make it easier to build ADUs.	<i>Implementation complete:</i> middle housing Zoning Code Amendments adopted by Council 6/17/2025.
HB 1998 ¹³	12/31/2025	Concerning Co-Living Housing	Requires cities to allow for co-living housing on lots that allow multi-family units and prevents certain restrictions on co-living housing.	<i>Implementation in-progress:</i> compliance will require Zoning Code amendments. The public hearing is scheduled for 8/28/25 PC meeting.
HB 2321 ¹⁴	6/30/3035	Modifying middle housing requirements and the definitions of transit stop	Creates minor clarifications and amendments to the middle housing bill, including applying the minimum density requirements for residential lots within 0.25 miles of a major transit stop to any bus rapid transit stop under construction.	<i>Implementation complete:</i> middle housing Zoning Code Amendments adopted by Council 6/17/2025.
SB 5258 ¹⁵	7/23/2023	Increasing the supply and affordability of condominium units and townhouses as an option for homeowner-ship	Requires cities to provide procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Requires that impact fees reflect the proportionate impact of new housing.	<i>Implementation complete:</i> Unit lot subdivisions Code Amendments adopted by Council 6/17/2025 addresses Planning aspect of this bill. <i>Implementation in-progress:</i> Finance Dept. is leading compliance on other parts of this bill, in collaboration with Planning & Building and Public Works departments.

¹¹ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1293-S.SL.pdf?q=20250703113858>

¹² <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1337.SL.pdf?q=20250703113928>

¹³ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1998-S.SL.pdf?q=20250703114023>

¹⁴ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/2321-S.SL.pdf?q=20250703114057>

¹⁵ <https://lawfilesexternal.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5258-S2.SL.pdf?q=20250703114132>

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
SB 5290 ²¹	1/1/2025	Concerning consolidating local permit review processes	Establishes new timelines for cities to process permit applications.	<i>Implementation in-progress:</i> Planning & Building Department has collected permit data and prepared an annual report for compliance. Staff is also working on a permit dashboard to assist in addressing pinch points and provide applicants with a real-time estimate of permit review timelines for different permit types. This project is titled "Local Permit Review Implementation" in the Planning Work Program.
SB 5412 ²²	7/23/2023	Reducing local governments' land use permitting workload	Expands State Environmental Policy Act (SEPA) categorical exemptions – all project actions that propose more than one residential unit that meet certain criteria are exempt from SEPA.	<i>Implementation in-progress:</i> Zoning and Municipal Code amendments to address this bill are part of the 2025 miscellaneous code amendments - PC hearing will occur in 2025.
SB 6015 ²³	6/6/2024	Concerning residential parking configurations	Establishes flexibility for parking configurations for residential development, e.g., parking spaces in tandem configuration count toward meeting minimum parking requirements.	<i>Implementation complete:</i> middle housing Zoning Code Amendments adopted by Council 6/17/2025.

Table 2: 2025 Legislative Session – City Planning & Building Bills

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
HB 1061 ²⁴	7/27/2025	Providing additional parking flexibility in residential neighborhoods	Allows an exception for residential property owners to park a vehicle across their driveway if the driveway is no longer than 50 feet and that such parking does not obstruct a sidewalk, another driveway, or the roadway.	<i>Implementation optional:</i> bill provides option for cities to pursue. Potential implementation can be considered with Planning Work Program update per PC and Council direction.
HB 1096 ²⁵	7/27/2027	Increasing housing options through lot splitting	Requires cities to allow an administrative process for a lot split and other rules related to lot splitting.	<i>Implementation not started:</i> Zoning Code amendments are needed. Implementation timeline can be considered with PWP

²¹ <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5290-S2.SL.pdf?q=20250703114439>

²² <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5412-S2.SL.pdf?q=20250703114513>

²³ <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/6015-S.SL.pdf?q=20250703115157>

²⁴ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/1061-S.SL.pdf?q=20250703115250>

²⁵ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/1096-S2.SL.pdf?q=20250703115414>

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
				update per PC and Council direction.
HB 1183 ³¹	6/30/2030	Concerning building code development regulation reform	In addition to building code reforms, requires that cities not require off-street parking for affordable housing, modular construction, and certain other types of construction, with certain exceptions. Cities may not require affordable housing for low- or very-low income households to exceed specified size requirements based on unit configuration, with certain exceptions.	<i>Implementation not started:</i> Zoning Code amendments are needed for Planning aspects of this bill. No action is needed for Building aspects; updated State Building Code will ensure compliance.
HB 1217 ³²	5/7/2025	Improving housing stability for tenants subject to the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act by limiting rent and fee increases, requiring notice of rent and fee increases, limiting fees and deposits, establishing a landlord resource center and associated services, authorizing tenant lease termination, creating parity between lease types, and providing for attorney general enforcement.	Establishes limits on rent increases, exemptions to the rent increase limit, rent increase notice requirements, and other tenant protections.	<i>Implementation not started:</i> code amendments are not needed for implementation. However, the Planning & Building Department will likely work to educate the public about the new rent increase limits and tenant protections.
HB 1491 ³³	12/10/2029	Promoting transit-oriented housing development	Establishes rules for station areas (pertains to NE 85th St Station Area and Totem Lake in	<i>Implementation in-progress:</i> Municipal Code amendments for the SEPA exemption are part of the 2025 miscellaneous code

³¹ <https://lawfilesexternal.leg.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/1183-S2.SL.pdf?q=20250703115448>

³² <https://app.leg.wa.gov/billsummary/?BillNumber=1217&Year=2025&Initiative=false>

³³ <https://lawfilesexternal.leg.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/1491-S3.SL.pdf?q=20250703115544>

Bill No.	Implementation Deadline	Title	Bill Description	City Implementation Status
			Kirkland) regarding allowed density, density bonuses, affordability requirements, multifamily property tax exemption, limitations on minimum residential parking requirements, and SEPA exemption for residential or mixed-use development within a station area.	amendments - PC hearing will occur in 2025. <i>Implementation not started:</i> significant Zoning Code amendments are needed for the rest of the topics. Implementation timeline can be considered with Planning Work Program update per PC and Council direction.
HB 1494 ³⁷	7/27/2025	Concerning the property tax exemptions for new and rehabilitated multiple-unit dwellings in urban centers	Amends the multifamily property tax exemption program regarding reporting, household qualifications, and clarifies certain definitions.	<i>Implementation in-progress:</i> Planning & Building Department work is pending the completion of a multifamily tax exemption (MFTE) study by the Finance Department.
SB 5184 ³⁸	1/27/2027	Concerning minimum parking requirements	Limits parking requirements for residential uses and prohibits minimum parking requirements for certain types of uses (e.g., senior housing, child care facilities), with certain exceptions.	<i>Implementation not started:</i> significant Zoning Code amendments are needed. Implementation timeline can be considered with Planning Work Program update per PC and Council direction.
SB 5509 ³⁹	7/27/2027	Concerning the siting of child care centers	Requires cities to allow child care facilities outright as a permitted use.	<i>Implementation not started:</i> Zoning Code amendments to address this bill will be part of a future miscellaneous code amendments package.
SB 5559 ⁴⁰	7/27/2027	Streamlining the subdivision process inside urban growth areas	Requires cities to enact procedures for unit lot subdivisions including public notice, review timelines, and requirement that prominent informational notes be placed on the plat and recorded by the county.	<i>Implementation complete:</i> unit lot subdivisions Code Amendments adopted by Council 6/17/2025.
SB 5611 ⁴¹	7/27/2025 (except Section 3 – 1/1/2028)	Streamlining and clarifying local governments' land use permitting workloads	Clarifies that review periods for permit applications may not exceed specified time periods and updates a definition for binding site plans.	<i>Implementation in-progress:</i> Municipal Code amendments to address this bill are part of the 2025 miscellaneous code amendments - PC hearing will occur in 2025.

³⁷ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/House/1494.SL.pdf?q=20250703133513>

³⁸ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5184-S.SL.pdf?q=20250703133548>

³⁹ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5509-S.SL.pdf?q=20250703134045>

⁴⁰ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5559.SL.pdf?q=20250703134327>

⁴¹ <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/Session%20Laws/Senate/5611-S.SL.pdf?q=20250703134239>

NEXT STEPS:

Staff is not requesting any direction from the PC at the July 24 meeting. The PC should consider the bills where significant Zoning Code amendments are needed when guiding updates to the Planning Work Program early next year.



CITY OF KIRKLAND
PLANNING AND BUILDING
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Planning Commission

From: Anna Heckman, Environmental Program Coordinator
Jen Anderer, Senior Planner
Adam Weinstein, AICP, Planning and Building Director
Allison Zike, AICP, Deputy Planning and Building Director

Date: July 17, 2025

Subject: **Critical Areas Ordinance Update Study Session #2; File No. CAM25-00248**

RECOMMENDATION

The Planning Commission (PC) should receive a briefing and hold a second focused study session to discuss staff's recommended approach to the periodic Critical Area Ordinance (CAO) updates regarding fish and wildlife habitat areas (streams) and geologically hazardous areas. The PC should provide feedback on the proposed code update approach for the two focus areas, respond to staff's questions, and identify additional questions for further consideration, and/or any additional research to consider in the code update.

EXECUTIVE SUMMARY

- No formal action is requested at the July 24, 2025 PC meeting. Staff seeks the PC's input and direction on the two focus areas discussed as part of the CAO update process, which must be completed by December 31, 2025, as required by the Washington State Growth Management Act (GMA).
- PC received a CAO update briefing on May 22, 2025, and City Council (Council) received a CAO briefing on July 1, 2025. A summary of PC and Council questions and comments from the briefings are detailed in the background section of this memo. Staff responses to the questions are addressed in the discussion and analysis section of this memo.
- The CAO updates cover several topics, and staff have prepared a series of discussions to break the project into smaller, more digestible discussions with the PC. The July 24 study session will focus on updates to fish and wildlife habitat areas (streams) and geologically hazardous areas.
- Future PC meetings will focus on reviewing draft code amendments after staff incorporates PC and Council direction.

QUESTIONS FOR PLANNING COMMISSION

The PC should focus on the following questions for discussion while reviewing the memorandum and attachments.

1. Which of the three stream buffer options would PC like staff to pursue as part of the CAO updates?
2. Which option(s) would PC like staff to pursue to potentially simplify and/or reduce the KZC Chapter 85 peer review process?
3. Would PC like staff to research minimum vegetation requirements within geologically hazardous areas?

BACKGROUND

The City protects and regulates development near critical areas (e.g. streams, wetlands, geologically hazardous areas) with standards adopted in KZC Chapter 85 and 90, referred to collectively as the City's CAO. Under the Washington State Growth Management Act (GMA)¹, jurisdictions are required to regularly review their comprehensive plans and development regulations, including their CAO's. In accordance with House Bill (HB) 1241, the Kirkland CAO must be updated by December 31, 2025. If the CAO is not updated, Kirkland will be marked as "overdue" by the Department of Commerce, which would render the City ineligible for State grants and loan programs under RCW 36.70A.130(7)(a).

Staff held introductory briefings with the PC on May 22, 2025, and Council on July 1, 2025 (summarized below) to introduce the project, review the State-required updates, and identify potential code amendments and policy changes.

May 22, 2025, Planning Commission Briefing²

At the May 22, 2025, PC meeting, staff provided a general overview of what constitutes a Critical Area, why we are required to update the CAO (KZC Chapter 85 and KZC Chapter 90), the current critical area codes, and potential code updates. Staff also provided a briefing on wetland regulations including example clarification options for wetland regulations under KZC Chapter 90.

The PC appreciated staff's approach to working with neighboring jurisdictions, code language updates for wetlands, and supported improving regulatory clarity by updating critical area maps, identifying opportunities to streamline permitting processes and simplify the code. The theme of PC questions focused on understanding the City's existing review process and included a request for staff to provide more information about the number of critical area permits processed, the time and costs associated relative to non-critical area development permits (including the cost of restoration), and approaches to CAO in other jurisdictions.

July 1, 2025, City Council Briefing³

At the July 1, 2025, City Council meeting, staff provided an overview of the Critical Area Ordinance update, similar to the briefing provided to the PC on May 22, 2025. The presentation

¹ The GMA is codified under RCW 36.70A, <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70a>

² May 22, 2025, Planning Commission Briefing Packet, <https://kirklandwa.primeweb.com/Public/CompiledDocument?meetingTemplateId=4349&compileOutputType=1>

³ July 1, 2025, City Council Briefing Packet, https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2025/july-1-2025/9a_business.pdf

focused on defining State requirements, Best Available Science (BAS), and potential policy updates to the City's code.

Council reaffirmed the required adoption deadline of December 31, 2025, and acknowledged the vital role that critical areas play in flood control, water quality protection, and public safety. Council members requested clarification on how much of the proposed update is mandated by the State (e.g. under the GMA) versus what reflects local policy choices. Staff explained that while much of the update is driven by State law, the process also presents an opportunity to clarify and simplify the City's existing critical area regulations.

Council expressed concerns about potential economic impacts for property owners and developers, reinforcing staff's efforts to streamline the permitting process where feasible. Their questions and comments echoed many raised by the PC, including frequency and cost of critical area permits, the role and effectiveness of third-party reviews, and whether such reviews are standard practice in surrounding jurisdictions. Council also inquired about how common critical areas are within Kirkland and how many parcels are affected.

The PC and Council questions are addressed by staff in the discussion and analysis section of this memo.

DISCUSSION AND ANALYSIS

The following discussion and analysis were generated by staff as part of project research and in response to PC and Council briefing comments and questions. To answer these questions, staff worked with the City's Geographic Information Systems (GIS) team and assessed data from the City's permitting system, Energov.

Citywide Critical Area Coverage

The information provided in this subsection approximates land covered by critical areas and any associated buffers to convey a rough scale of magnitude of the prevalence of potential critical area impacts. According to GIS map analysis, the City of Kirkland consists of almost 18 square miles (including rights-of way) with 25,306 individual parcels. Residentially-zoned parcels make up about 62% of the City's land area and represent over 90% of all parcels.

A total of 17,032 parcels, roughly 67% of all parcels in Kirkland, are potentially impacted by one or more critical areas and associated buffers (where required). Most of these potentially impacted parcels (94%) are residential parcels. Many properties are impacted by more than one critical area and most parcel impacts are from high and/or medium landslide areas or high and/or medium liquefaction areas. It is important to note that these calculations are based on currently *mapped* critical areas, which may differ in area of coverage once each critical area is confirmed and surveyed as required by the City's determination process (discussed in the May 22, 2025, PC packet).

Approximate Critical Area Coverage in the City of Kirkland			
	Percent of Land Coverage	Impacted Parcels (percent)	Impacted Parcels (number)
Chapter 90			
Stream and Buffer (Type N 50' or Type F 100')	7%	7%	1,876
Wetland and Average Buffer (150')	11%	11%	2,886
Floodplain	1%	0.1%	20
Chapter 85			
High Landslide Area	8%	35%	8,982
High and Medium Landslide Area (combined)	38%	88%	22,260
High Liquefaction	10%	11%	2,814
High and Medium Liquefaction (combined)	40%	43%	10,850
Combined Critical Area Impact	65%	67%	17,032

Data Notes:

While the precise location of critical areas is determined on a case-by-case basis, staff made the following assumptions for mapping properties potentially affected by critical areas at a broader City-wide scale:

- An average wetland buffer (150 feet) was used to approximate potential buffer impacts in this analysis, as most wetlands fit this buffer width. This analysis does not account for all small, unmapped wetlands throughout the city and is considered an underestimation.
- Floodplains are a minor component of Kirkland's critical areas and often overlap with wetlands.
- Neither stream nor wetland buffers account for interruptions or other influences that may exempt a property from development restrictions (the existing CAO has existing provisions for interrupted buffer waivers).
- High landslide areas, according to KZC 05.361.5, include areas within a horizontal distance equal to the height of the slope or 50 feet, whichever is greater. City maps use the same symbology for both this horizontal distance and actual moderate landslide areas. Further analysis would be needed to clarify which mapped areas are actually moderate landslide areas because of topography, and which are mapped solely due to the horizontal distance surrounding a high landslide area (this is an item regularly determined by the City's review of required geotechnical reports).

Number of Critical Area Permits

The City has permitting records dating back to 2012 for KZC Chapter 90 and to 2016 for KZC Chapter 85. The number of permits issued each year fluctuates based on factors such as development trends, inflation, and loan interest rates. While development costs have risen significantly over the past decade, City data shows that the costs associated with critical area reviews have remained relatively stable over the past three years. The data presented below reflects a three-year average from 2022 through 2024.

Critical Area Permits Per Year (2022 – 2024)		
	Average Number of Permits Per Year	Number of Significant Impact Permits Per Year
KZC Chapter 90	26	<2
KZC Chapter 85	44	34

Data Notes:

- Approximately 20% of KZC Chapter 90 permits are related to the same development project (e.g., a single development project may require more than one critical area case to cover each phase of review).
- Significant Permits (KZC Chapter 90): Permits that required more intensive permit reviews such as Reasonable Use Exceptions or Hearing Examiner decisions. These larger and more complex permits have decreased since 2020 to less than two per year.
- Significant Permits (KZC Chapter 85): Permits that required peer review by a City geotechnical consultant.

Average Permit Costs

Average permit costs were calculated using the City’s permit tracking system to identify the cost of approved permits from 2022 to 2024. Costs are separated into different categories based on development sequencing. For example, there is typically a single permitting sequence for review under KZC Chapter 85, but there may be several permitting sequences under KZC Chapter 90, including delineation review, mitigation review, mitigation installations, and monitoring reports. Buffer mitigation costs include the installation of vegetation within the buffer and annual reports to monitor.

Rounded Average Permit Cost – Chapter 90				
	Determination Permit Review	Project Permit Review	Monitoring and Maintenance	
			Mitigation Installations	Monitoring Reports (per year)
Large Projects	\$6,000	\$7,900	\$170,000	\$6,000
Residential Projects	\$5,800	\$6,400	\$22,500	\$2,800

Rounded Average Permit Cost – Chapter 85			
	Peer Review Fees	City Review Fees	Total Cost
2022 - 2024	\$3,000	\$1,000	\$4,000

Data Notes:

- Data is rounded to the nearest hundred.
- KZC Chapter 90 large projects include Reasonable Use Exceptions, subdivisions, and other projects that typically have larger impacts to critical areas.
- KZC Chapter 90 residential projects include new single family homes, additions, decks, and other projects that typically have smaller impacts to critical areas.

- KZC Chapter 90 rounded average permit costs are inclusive of City review fees (flat fee) and peer review fees (variable fees).
- Mitigation installations are based on reported costs by applicants in the King County Bond Quantity Worksheet. Actual application costs to the applicant will vary.
- KZC Chapter 90 mitigation installation costs are averaged from a random selection of permits with documented King County Bond Sheets.
- Approximate average annual costs for mitigation monitoring are based on costs for years 3, 5, and 10 after installation of required restoration.

Average Permit Review Time

Both the PC and Council requested additional information on the review time related to critical area permits. These timelines can vary widely depending on several factors, including the project's location, scope of work, proposed changes, how quickly applicants and consultants respond, and internal staff review schedules. Permits reviewed under KZC Chapter 85 are processed at the same time as other development permits, so this typically does not add significant time to the overall review. In contrast, KZC Chapter 90 permits are required before submitting development permit applications, though subsequent reviews (e.g., mitigation proposals associated with development) are also reviewed concurrently once the application is submitted. Critical area determinations (delineations) are required prior to a development permit and typically take 6-8 weeks to complete. Because projects often require multiple critical area permits to meet KZC Chapter 90 requirements, reviews under this chapter tend to take longer than those under KZC Chapter 85. While the City's permit tracking system collects key information, such as fees and project locations, it does not easily generate comprehensive data on review timelines. Staff anticipates providing additional information about average review timelines for representative projects at the July 24 PC meeting.

CHAPTER 85 – POTENTIAL CODE AMENMENTS

To date, Staff has conducted targeted outreach focused on KZC Chapter 85, engaging with the Washington Department of Natural Resources, the City's contracted geotechnical consultants, staff from neighboring jurisdictions, and internal departments involved in reviewing KZC Chapter 85 permits. The goal was to identify specific opportunities to improve the review process for geologically hazardous areas. Additionally, staff completed a data audit of permits issued between 2016 and 2025 to assess average costs, review times, and the value of peer reviews for these permits. While the city's permit tracking software reliably captures permit costs, it does not easily generate accurate review timelines at scale. Staff anticipates providing additional information about average review timelines for representative projects at the July 24 PC meeting. To further evaluate the effectiveness of peer review, staff analyzed smaller scale projects, such as deck additions and work in moderate landslide hazard areas, to determine whether peer reviews more often identify completeness issues or provide design-impacting revisions comments.

The focused outreach, feedback from the PC and CC, and review of permitting data highlight the following areas for potential code and process improvements:

Peer Review

Staff received feedback from the Department of Natural Resources, contracted City geotechnical consultants, PC, Council, and permit review staff all indicated interest in reducing or simplifying the peer review process. Staff proposes three options to help simplify the peer

review process. These options are not mutually exclusive so the PC may support staff exploring 1, 2, or all 3 of the options.

1. **Landslide Hazard Definitions:** Currently, moderate landslide hazard areas are defined as any slope, regardless of the slope's overall height (from the bottom to top of slope), between 15% and 40% that does not meet the criteria for a high landslide hazard area, as outlined in KZC 05.361.5. This means that even a small slope on a property, such as one that is only two feet high but has a 15% grade, could trigger the requirement for a geotechnical permit and possibly a peer review.
 - *Suggested Revision:* Revise the moderate landslide hazard definition to establish a minimum slope height that takes into account how long a slope needs to be before it poses a significant risk.
 - *Implications:* Revising the definitions would reduce the number of geotechnical permitting and peer review cases by reducing the amount of identified moderate landslide areas throughout the city.
 - *Data Support:* Staff reviewed geotechnical permits for work done within a moderate landslide hazard area from 2016 to 2025 that required peer review and nearly every permit received initial approval from the City's geotechnical consultant and any revision comments were completeness issues and not design-impacting comments.
 - *Further Research:* Staff would work with subject matter experts (e.g., geotechnical engineers) to establish a scientifically backed threshold for overall slope height for moderate landslide hazard areas.

2. **Peer Review Exemptions:** Currently, KZC Chapter 85 does not identify any types of work that are exempt from geotechnical review when proposed within a geologically hazardous area. In contrast, other sections of the code, such as KZC Chapter 90, include specific exemptions for activities, improvements, and uses that are temporary, related to emergencies, or have minimal environmental impact. As a result, under current code, any work proposed within a geologically hazardous area, regardless of its scope, urgency, or potential impact on public health and safety, requires geotechnical review and may also be subject to peer review. This includes small-scale projects such as deck extensions or retaining walls that have required peer review.
 - *Suggested Revision:* Develop specific scopes of work that would be exempt from a geotechnical permit and/or peer review due to their relatively negligible potential to create or be adversely affected by geologic hazards.
 - *Implications:* Exempting some scopes of work would help reduce the number of geotechnical permits and associated peer reviews for projects deemed small enough to not impact public health and safety.
 - *Data Support:* Staff reviewed geotechnical permits for small scale projects (e.g., deck additions, rockeries, small additions) from 2016 to 2025 that required peer review and nearly every permit received initial approval from the City's geotechnical consultant and all revision comments were related to completeness issues and not design impacting comments.
 - *Further Research:* The City's geotechnical consultants and the Washington Department of Natural Resources indicated that developing a list of exempt work may be challenging since geotechnical reviews are specific to each property and the proposed scope of work. Surrounding jurisdictions do not typically include exemptions from geotechnical review, but some have chosen to include some

exceptions. Staff would need to further coordinate with subject matter experts and complete a more thorough analysis of impacts. One potential outcome could be providing exemptions from peer review but maintaining requirements for an applicant-provided geotechnical analysis.

3. Structural Setbacks: Currently, KZC Chapter 85 does not establish a required structural setback specifically related to geologically hazardous areas.
 - *Suggested Revision:* Establish a structural setback from the top and/or toe of slope to reduce the level of structural engineering required for a project and potentially reduce the requirements included in an applicant's geotechnical report. The establishment of a structural setback could be provided either as a requirement, or as an option for exemption from peer review (e.g., if an applicant chooses to observe a standard slope setback, then peer review would not be required).
 - *Implications:* Work done outside of the structural setback could simplify the requirements included in an applicant's geotechnical report by potentially eliminating or reducing the need for a quantitative slope stability analysis.
 - *Data Support:* The City's geotechnical consultants have indicated that Kirkland is one of the few jurisdictions that require a quantitative slope stability analysis as part of a geotechnical review for work within a high landslide area. Staff would need to review recent permits to identify how many projects triggered this requirement and how impactful a structural setback could be moving forward.
 - *Further Research:* Staff would work with subject matter experts, including the City's geotechnical consultants, to clarify the benefits of a structural setback and establish an appropriate structural setback that protects slope stability and thus public safety while maintaining development potential.

Vegetation Requirements

The City has established standards for tree removal within critical areas⁷, as outlined in KZC Chapter 90. However, there are no specific requirements for revegetation in geologically hazardous areas. Vegetation plays a key role in stabilizing slopes in geologically hazardous areas by providing root reinforcement, water regulation, and surface protection. Given that geologically hazardous areas are common throughout Kirkland, revegetation requirements would need to strike a careful balance between protecting the slopes and preserving development potential. This is particularly important because protection of these areas is tied to public health and safety, and properly engineered development is permitted within the geologically hazardous areas. While KZC Chapter 90.135 addresses tree removal and pruning in all critical areas, including geologically hazardous areas, KZC Chapter 85 does not clearly reference these provisions. Because of the critical role vegetation plays in slope stability staff is seeking guidance from the Planning Commission on whether additional research into potential revegetation requirements is warranted.

Natural Greenbelt Protective Easement

Pursuant to KZC 85.25, approval of development in a landslide hazard area or seismic hazard area may require dedication of one or more natural greenbelt protective easements (NGPE) or

⁷ City of Kirkland Tree Removal in Critical Areas or Buffers webpage, <https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Folder-for-Form-web-pages/Forms-Webpages-Planning/Tree-Removal-in-Critical-Areas-or-Buffers>

tracts to protect property and the public. The code does not provide clear guidance on when an NGPE is required or clarify who should make that determination. City consultants and permit review staff provided feedback requesting code clarification related to NGPEs. Staff will identify appropriate ways to clarify this section of code and include it with the draft CAO amendments for future PC review.

CHAPTER 90 – PROPOSED UPDATES TO STREAM AND RMZ REGULATIONS

The following table summarizes options that balance Best Available Science (BAS) with goals for development within Urban Growth Areas (UGAs). Some options will impact property owners adjacent to streams, some may increase development review times for the City, and some options prioritize protection and improvements to natural areas. While significant analysis has been completed by staff to develop these options, staff would find it helpful for PC to weigh the options and provide initial thoughts. Each option will require different public outreach methods that staff will implement after the PC discussion on July 24.

Details for each option can be found in Attachment 1.

In evaluating these different options, staff would note that we do not have a firm recommendation at this point. However, taking into account that existing stream buffers in Kirkland are well within the range of surrounding jurisdictions (see Table 3 in Attachment 1), the continued improvement of stream and habitat quality in Kirkland, and the City's goals of improving environmental quality while accommodating growth, staff believes that Option 1b may be best equipped to achieve the broad objectives for this CAO update. Option 1b would maintain current buffers but require property owners to make upgrades around riparian areas to protect the environment. These upgrades would not diminish development capacity and would promote a long-standing principle in the CAO that focuses on environmental quality over the size of mitigatory land set-asides.

Summary of Stream Buffer Options				
	Meets Minimum State Requirements?	Meets State Water Quality Goals?	Meets State Habitat Goals?	Matches or Exceeds Neighboring Jurisdiction updates?
<u>Option 1:</u> Maintain Current Buffers	X (a)	X (a)		
<u>Option 1b:</u> Maintain Current Buffers and Add Additional Riparian Management Zone Requirements within 100 ft	X	X		X (b)
<u>Option 2:</u> Increase all Buffer Widths to 100 ft	X	X		X
<u>Option 3:</u> Increase N Streams to 100 ft and F Streams to 150 ft	X	X	X	X

- (a) Meets minimum requirements assuming water quality continues to improve with the current proactive education and improvement programs administered by City staff.
- (b) Compared to the few cities with completed updates, and continuing Kirkland's previous success with promoting habitat quality over quantity, this option may provide better results than buffer expansions alone.

PUBLIC OUTREACH UPDATE

Staff prepared a preliminary public outreach plan to identify key stakeholders, outreach methods, and critical engagement points. To date, staff have completed focused outreach and conversations with local tribes, key State agencies including the Washington Department of Ecology, Washington Department of Natural Resources, and the Washington Department of Commerce, contracted city consultants supporting both KZC Chapter 90 and Chapter 85 peer reviews, and City permitting review staff, and developed a working group with surrounding jurisdictions.

Staff also compiled an email distribution list and have begun sending informational emails to keep interested members of the public updated on the progression of the CAO updates.

CAO Webpage Update

Since the PC briefing on May 22, 2025, staff have expanded the CAO webpage to include two separate webpages:

- **Critical Area Regulations⁹**
 This webpage serves as a permanent resource for critical area educational materials, information on applying for a critical area permit, and preferred methods to protect Kirkland's critical areas.
- **2025 Critical Area Ordinance Update¹⁰**
 This webpage provides up to date information on the CAO update including meeting dates and materials, a project schedule, and additional ways for the public to stay updated.

Additional Focused Outreach

After the PC provides direction on potential code updates and staff can identify potential development impacts, staff will initiate a focused outreach plan to request community input and connect with potentially impacted property owners and the development community.

NEXT STEPS

Staff will incorporate the PC's feedback on the proposed updates to fish and wildlife areas (streams) and geologically hazardous areas and will bring proposed code amendments back for PC review in August 2025. Additional PC briefings, or "focus sessions", can be prepared for the PC per request either before or after proposed code changes are provided for review. This item is next scheduled for a Council update in September 2025.

ATTACHMENTS

1. Stream Buffer Analysis and Options

⁹ Critical Area Regulations webpage, <https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Critical-Area-Regulations>

¹⁰ 2025 Critical Area Ordinance Update webpage, <https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Projects/2025-Critical-Area-Ordinance-Update>

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

2025 CITY OF KIRKLAND CRITICAL AREA UPDATE FISH AND WILDLIFE HABITAT (STREAM)

Review of Riparian Management Zones, Best Available Science
and Implementation Options

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

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ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

Introduction

Washington State Department of Commerce (DOC), Department of Ecology (ECY), and Fish and Wildlife (WDFW) provide guidance for managing streams. This document focuses on providing background data and analysis to guide potential updates to the City's Fish and Wildlife Habitat (stream) portion of the critical area ordinance (CAO). Kirkland's code has not had an update in over 5 years, therefore, much of the recent terminology, breakthroughs in science, and shifts in interpretation for management have not been assessed for incorporation into the City's regulatory programs.

To meet the State minimum standards for Fish and Wildlife Habitat and Conservation areas, Kirkland will need to address the following items identified in the Department of Commerce Critical Area Checklist, summarized below:

- Update definitions of fish and wildlife habitat to be consistent with WAC 365-190-030(6);
- Clarify, emphasize and incorporate current regulations and designation of "waters of the state";
- Define, and incorporate "Anadromous fisheries" throughout the ordinance.
- Emphasize the mitigation sequencing requirements that are already incorporated into the code; and
- Update protection measures for Fish and Wildlife Habitat and Conservation areas to meet the intent of the BAS and State guidance.

Most of the above items are simple clarifications that do not alter the intent and approach of Kirkland's current CAO. The last item, however, requires the City to address new BAS promoted by the State and identify a reasonable approach to implement the intent for protection in an urban environment that will continue to densify in the future.

BAS Review

After review of the BAS and Management Guidance provided by WDFW staff identified two predominant goals that all communities will need to address as part of their CAO update. These goals are focused on improving water quality and protecting habitat for endangered and threatened species. In many cases, these goals overlap. Kirkland will need to decide how to address these goals; overviews of each goal are provided in the subsections below.

Goal 1: Protect and Improve Water Quality

Both WDFW and the Department of Ecology have determined that a 100-foot buffer is a reasonable distance to remove most common pollutants from contaminated water before they reach a stream.

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

This research measures runoff through soil and does not account for additional Improvements such as holding water on site, filtering water through compost or bioswales, and other water treatments that can occur before water is discharged into a stream.

Kirkland has existing programs and code that may be incorporated into Chapter 90 to assist with meeting the intent of these goals.

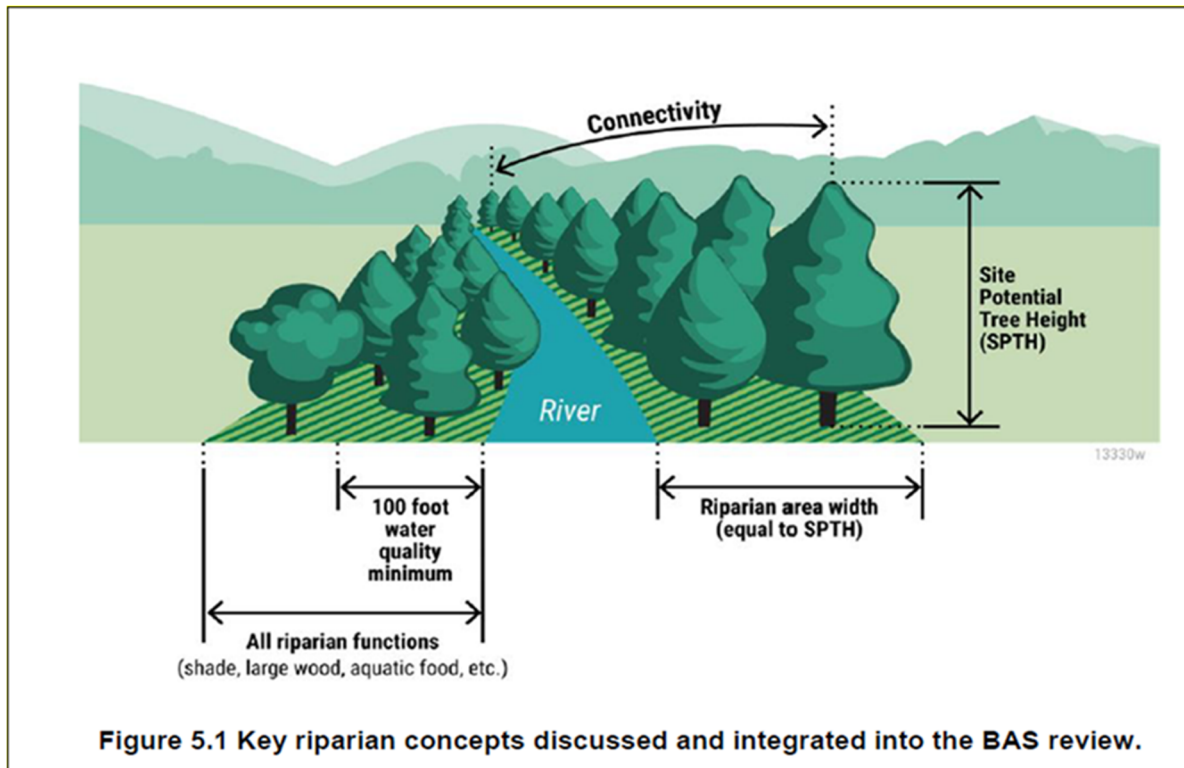


Photo 1: A riparian area with different protection options.

Goal 2: Protect Habitat and develop a Riparian Management Zone (RMZ)

The Riparian Management Zone (RMZ) is a new term that accounts for the stream, its channel, and the surrounding environment in what is currently identified as stream buffers. The City will need to adapt language to reference and regulate the RMZ to maintain consistency with the Department of Ecology and State guidance.

Forest habitats found within undeveloped RMZs can be diverse in species, health, and size. The forest interior areas often provide greater shade, decreased wind and cooler temperatures relative to the forest edges. These environmental differences support different plant and animal species and represent natural habitats that once surrounded streams before they were impacted by the urban development.

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

To help standardize the intent to protect natural habitat around streams, WDFW promotes using “Site Potential Tree Height” (SPTH)¹ as a way to identify how wide the buffer surrounding streams should be. The BAS that identifies SPTH uses Natural Resource Conservation Service (NRCS) soil types and forest production research to estimate how tall trees could be at 200 years old.

This implementation of BAS, which was developed to be applied statewide, has some complexities when applied to urban environments and future RMZ forest types:

1. The NRCS soil types do not account for the loss of organic layers and topsoil associated with historic grading, erosion, or construction in an urban environment.
2. The NRCS soil maps provide general guidance and do not account for the microsite communities found in riparian areas.
3. The SPTH recommendations provided by the WDFW map account for forest production trees, and do not account for the mixed conifer/deciduous forest trees we find growing in our riparian areas.

To incorporate these complexities for urban areas, staff assessed maximum tree heights documented from multiple sources to compare with the data provided by WDFW (Table 1). The averages were used to develop an SPTH that can be justified if Kirkland chooses to use SPTH for stream buffers and habitat conservation. The references used for this data are incorporated into the updated BAS document being prepared by staff.

The first row in Table 1 is a summary of the data provided in the WDFW map that is suggested for assistance in defining the SPTH. This data indicates that Kirkland’s natural soils were, at one time, well suited to grow Douglas Fir trees very quickly, and could support very large trees (i.e., high productivity sites). These data indicate the average SPTH for Kirkland should be set at a 200-foot average to protect habitat around streams.

When we include additional research to account for a greater diversity of species found in the riparian areas we are protecting and consider that urban environments no longer have the original soils used to estimate SPTH, the SPTH calculations increase in variability but are averaged at 150 feet. If the City chooses to use SPTH for habitat buffer protection, staff recommends using 150 feet as an average buffer width.

¹ <https://wdfw.wa.gov/publications/02564>

Table 1: Local and Regional Tree species heights documented from published sources

Source	Details	Big Leaf Maple	Red Alder	Black Cottonwood	Pacific Willow	Sitka Spruce	Douglas Fir	Western Hemlock	Grand Fir	White Pine	Notes
WDFW SPTH Mapping Tool²	Average SPTH for multiple sites		99				210				Over 30 zones were identified in Kirkland, with red alder sites ranging from 96 to 100 feet and Douglas fir sites ranging from 196 to 231 feet
WDFW SPTH Calculator³	Low productivity site		86	118		52	83	111	97		200 year tree heights are based on soil potential. Lower heights are associated with lower productivity soils. Urban soil productivity is variable and unknown due to disturbance and other impacts.
	High productivity site		123	195		167	300	264	255		
Trees of Seattle	Low range example	120	86	110	76	72	160	150	200		Arthur Lee Jacobson 1989 (Version 1) was used for tree heights in the Seattle area. Douglas firs are located in OO Denny Park
	High range example	130	100	152		90	200		200		
	Tallest in WA	155	130	230	85	315	215	259	300		
USDA Forest Service⁴		60	90	100	80	200	200	170	150	200	This includes many areas across the US and is not specific to the PNW
Plants of the PNW Coast		115	80	165		230	230	200	260	130	A. Pojar and McKinnon. Heights converted from meters
Average Tallest Tree Height		116	100	157	80	161	200	192	209	165	Recommended SPTH Average = 150

² <https://wdfw.maps.arcgis.com/apps/MapJournal/index.html?appid=35b39e40a2af447b9556ef1314a5622d>

³ <https://geodataservices.wdfw.wa.gov/hp/spth/>

<https://plants.usda.gov/plant-profile/POBAT/characteristics>

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

Streams (Fish and Wildlife Habitat) in Kirkland

Kirkland has 81 miles of streams documented. Of the total stream length, 17 miles of these are in culverts or are piped, and the remaining 64 are open streams. Table 2 identifies and separates the streams by general habitat type within the city.

Type F streams have the potential to support fish, based on habitat and ecological traits. Type F streams may, or may not, contain active salmon or trout, and they may exist upstream of culverts or piped blockages. Non fish, Type (N), streams are limited in their support of fish due to natural factors such as natural fish barriers, water depth, or water flow limitations, such as drying out seasonally or between rains.

Table 2: Kirkland miles of streams, by stream type

	stream miles	% of stream
Total miles of open streams	64	
Miles of open Type N streams (non-fish)	43	68%
Miles of open Type F streams (fish)	21	32%
Total miles of culverted streams	17	27%

Currently, publicly available Kirkland maps only identify stream locations and classifications by either being open or piped/culverted. The above data was derived from new maps created by City staff to more accurately assess potential Type F and Type N streams. These maps were created through a combination of WDFW habitat maps, recent updates to the King County environmental maps, City records, and classifications provided for development permitting.

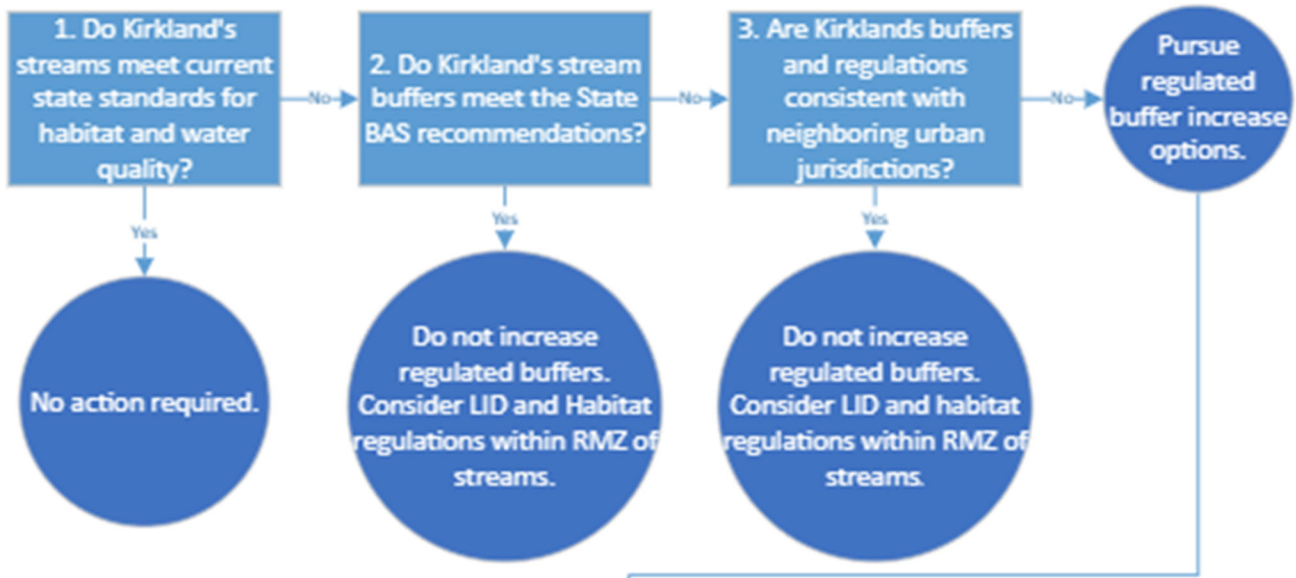
The maps developed for this analysis are provided for background and analysis purposes only and cannot be used for official delineation or development review. In some cases, individual property assessments provided by consultants (confirmed through a formal City determination review) may not align with the map provided for this project.

Stream Buffer Width Impact Analysis

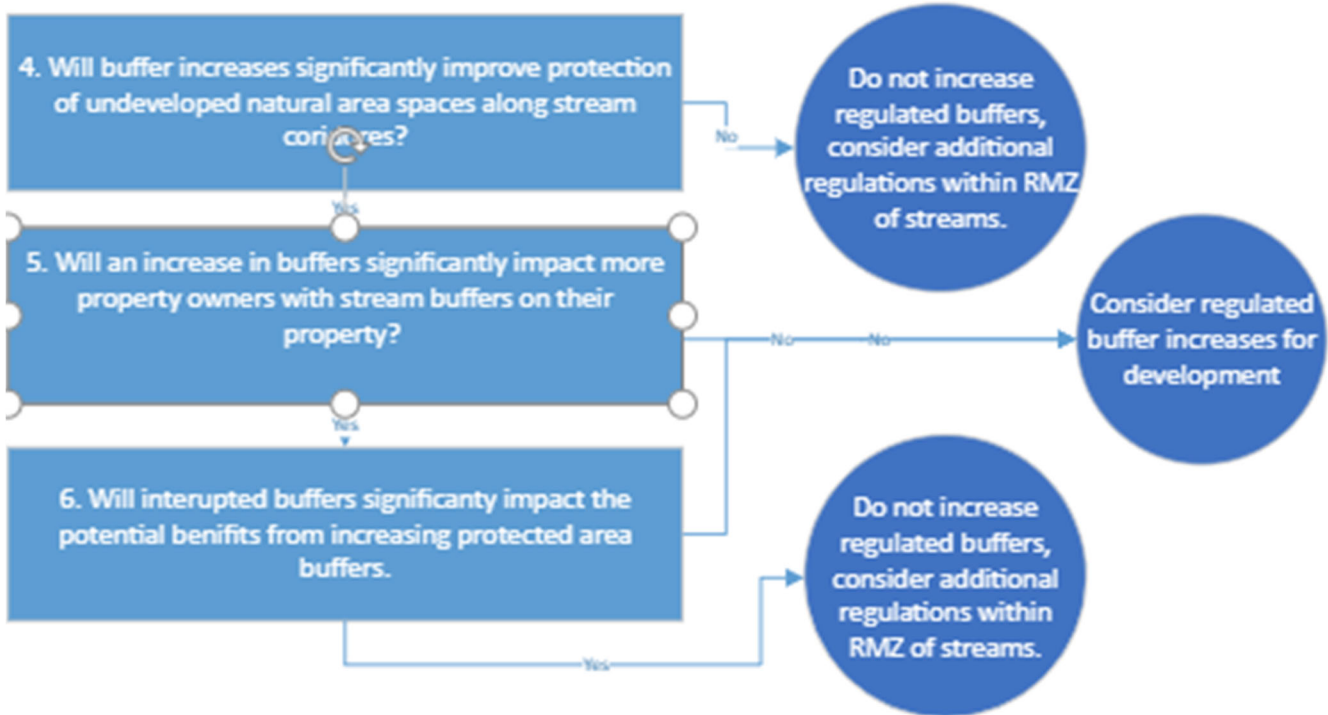
The below decision-making matrix has been developed to help staff outline what research and analysis is necessary to thoroughly review BAS and State objectives. The matrix is also intended to help the Planning Commission (PC) understand the decision points for any potential updates to stream buffers, and what data is available to inform those decisions. Each decision point, or question, in the matrix is numbered; the numbered subsections following the matrix provide background information and data relevant for each question, respectively.

Stream Buffer Decision Making Matrix

Should Kirkland increase regulated stream buffer widths to meet "no net loss" requirements and protect the function of streams and buffers for habitat and water quality?



Regulatory Buffer Increase Options



ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

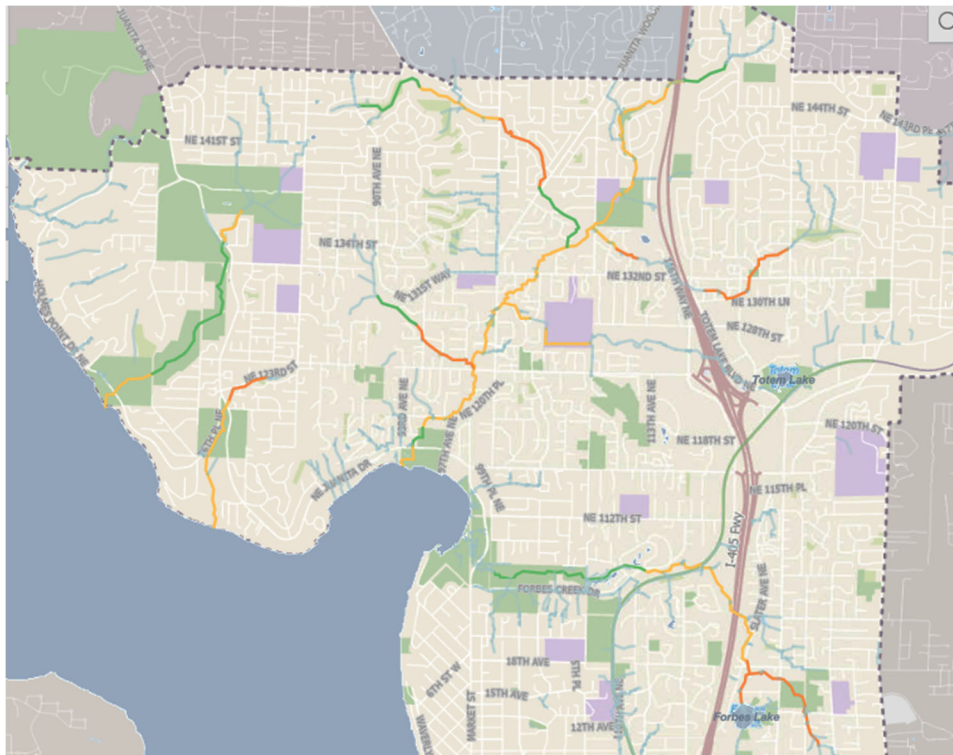
1. Do Kirkland's streams meet current state standards for habitat and water quality?

Kirkland has a robust stream water quality and habitat monitoring program⁵ that helps us determine if we comply with our NPDES permits⁶ and our Surface Water Management Plan⁷.

The goals in these documents parallel the requirements for our critical area compliance of "No net loss of critical area function." Two of these goals are:

- Improve aquatic habitat conditions for fish and wildlife
- Improve water quality in Kirkland's creeks, lakes, and wetlands.

The stream and water quality measurements provided on the City's water quality and habitat dashboards indicate that over the last 4 years, even with high variation between individual measurements between sites and years, metrics for stream quality have improved.



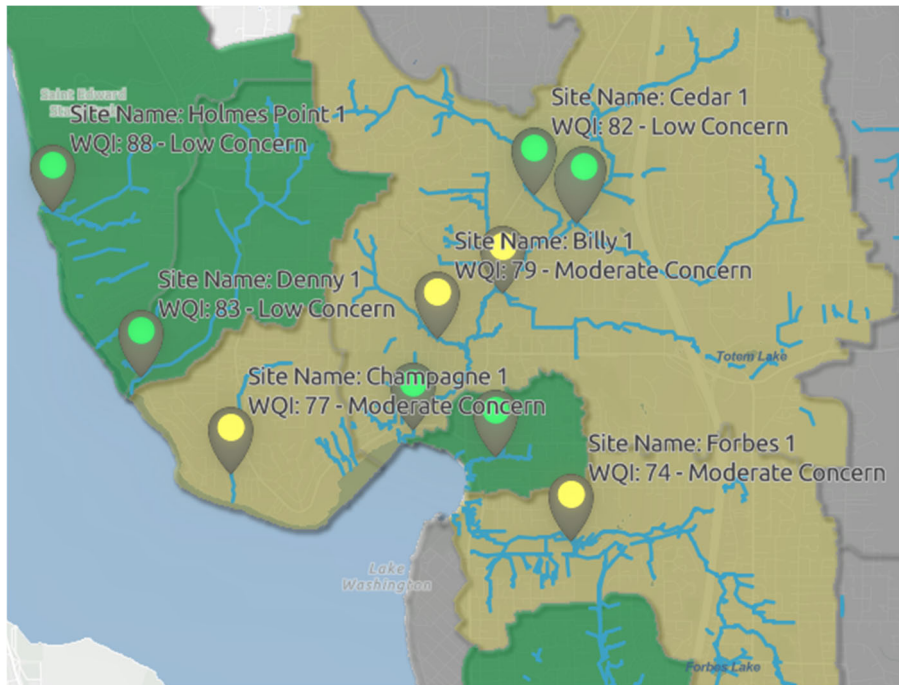
Map 1: From the Kirkland dashboard, 2024 habitat quality for streams in the north part of Kirkland. Red and orange stream reaches have poor habitat; green has good habitat quality

⁵ <https://kirkland-watersheds-kirklandwa.hub.arcgis.com/>

⁶ https://www.kirklandwa.gov/files/sharedassets/public/v/4/public-works/surface-water/sw-management-plan/swmp_2025_final.pdf

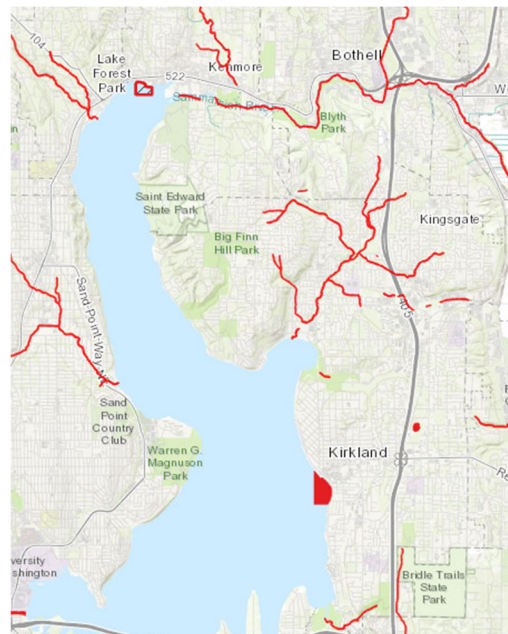
⁷ https://www.kirklandwa.gov/files/sharedassets/public/v/4/public-works/surface-water/sw-master-plan/2023finalkirklandsurfacewatermasterplan_compressed.pdf

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options



Map 2: Kirkland water quality dashboard. 2024 water quality averages for streams in North Kirkland. Red areas are high concern, yellow are moderate, and green areas are low concern. Scores are averaged so even green areas may have a measurement of high concern for one or more pollutants.

These trends indicate that Kirkland’s outreach programs and regulatory standards are making a positive impact on water and habitat quality over time. Even though we see positive trends with the measurements we collect, Kirkland’s streams, like many urban streams, are still very degraded, and some do not meet optimal State water quality standards. These streams are identified as being on the “303D” list⁸ of impaired waters on the Department of Ecology’s Water Quality Atlas Map⁹



Map 3: Department of Ecology water quality map. Streams in red are on the 303D list and do not meet state standards for bacteria/fecal coliform, E. coli, dissolved oxygen, or temperature.

⁸ <https://www.epa.gov/tmdl>

⁹ <https://apps.ecology.wa.gov/waterqualityatlas/wqa/map>

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Staying proactive and making decisions that will continue to improve water quality while balancing City goals regarding growth and housing will help Kirkland meet State regulations for the urban environment.

2. Do Kirkland's stream buffers meet the State BAS Recommendations?

Based on the provided BAS update, the current buffer standards do not fully meet either the recommendations for water quality (100 ft buffers) or for habitat (150 ft). Type F stream buffers currently meet the water quality goals; however, this only accounts for one-third of the total open streams in the city.

The City could demonstrate to the State that our existing current water quality programs and buffer restoration requirements are improving water quality, and therefore meet the intent of the BAS, but it will be difficult to determine if this is enough of an investment to continue progress, considering the expected increase in infill density and potential future impacts on our water ways.

Kirkland could implement one or more of the following options to better meet the intent of the BAS:

- Increase buffer widths to protect future stream buffers for water quality.
- Increase buffer widths to protect future buffers for habitat improvement.
- Increase Low Impact Development (LID) standards or similar development requirements to improve water quality before it enters buffers and streams; and/or
- Increase regulations for tree canopy or vegetation standards or reduce pollutants such as sound or air quality impacts to the buffer to improve habitat quality further out than the actual stream buffers.

3. Are Kirkland's buffers and regulations consistent with those of neighboring urban jurisdictions?

Staff has referenced example ordinances provided by the State and joined a regional team of communities who are at similar stages with their CAO update.

Most of the cities surrounding Kirkland are also figuring out how to apply the new State guidelines for BAS. Of those that have completed the process or are in their update process, some have relied on water quality as a primary metric for ascertaining buffer adequacy, as water quality is a highly defensible method to show compliance with BAS.

Table 3 provides a general overview of buffers for F and N streams in other jurisdictions. Cities at the top of the table (Seattle, Redmond, and Sammamish) have recently adopted their CAO to meet the current BAS. The remaining cities, like Kirkland, are in the process of determining what fits their community. Additional requirements such as structure setbacks and buffer improvement standards are not included in this table.

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

City	F stream)	N stream
Seattle	100	100
Redmond	150	100
Sammamish	150	50-75
KC (proposed)	180	100
Kenmore (2024)	100-150	25
Edmonds (2023)	75-100	40-50
Woodinville (2020)	140	70
Shoreline (2015)	75-115	45-65
Bellevue (2018)	100	50
Bothell (2021)	100	75
Kirkland (2016)	130	65

Table 3. Current buffer widths for F and N streams in surrounding cities. Buffer widths are in feet and often measured from the stream bank or ordinary high-water mark. Dates of the last update are provided for cities that have not completed the recent update yet and may choose to increase buffer widths.

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4. Will buffer increases significantly improve protection of undeveloped natural area space?

Unlike rural and low-density areas where expanding buffers will reduce development impacts on natural and unaltered habitat areas. In Kirkland, many buffers and potential expanded buffers are already heavily impacted. Increasing buffer widths may protect habitat that is planted or restored now, but it will not likely increase the retention of native habitat areas as many of those areas no longer exist.

Based on staff's research to date, we believe increasing buffers would not significantly increase protection of unaltered and undeveloped spaces.

City staff are in the process of assessing the amount of buffer areas around streams that do not contain development footprints in an attempt to measure the space that could potentially be protected by buffer expansions.

Another way to address the question is through the measurement of existing vegetation cover within buffer increment measured from open streams. Using the 2017 canopy cover map, data for buffer increments every 50 feet were averaged for open streams across the city. This includes both heavily forested natural areas (over 100% cover) and streams with development infrastructure right next to them (0% cover). Data show the canopy cover decreases as we measure further from the stream. This indicates fewer trees and unaltered native vegetation are available for retention the further away from a stream one is. If canopy coverage remained constantly high as the distance from the stream increased, it may indicate there are larger areas of natural area with significant canopy cover available to preserve. The data below does not strongly support this theory.

The 2017 data also shows the city meets the minimum city canopy goal of 40% coverage in all three buffer zones, however, this assessment does not show the variation at the parcel level, where our current vegetation standards require properties inside the buffer to meet a minimum 20% canopy cover (KZC90.130).

Buffer width	Tree canopy % cover (across city)
50 ft	70%
100 ft	56%
150 ft	53%

Table 4: 2017 canopy cover near streams. The canopy cover for the 150-foot zone only contains "F" stream data. Since "N" streams are often smaller and are located on more private parcels with closer building, we believe 53% is an overestimation of cover in that zone. Data will be edited for future reference.

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5. Will an increase in buffers significantly impact more property owners with streams on their properties?

The Planning Commission and Council asked how many parcels were impacted by critical areas. Data provided in the staff report identifies that 1,876 parcels are currently impacted by critical area streams. This number is lower than 2194 below because the standard reduced buffer width of 50 and 100 ft was used to identify parcels with impacts to development. This is about 7% of the 25,306 parcels in the city that likely have a buffer on part of their property, even if it does not impact development potential.

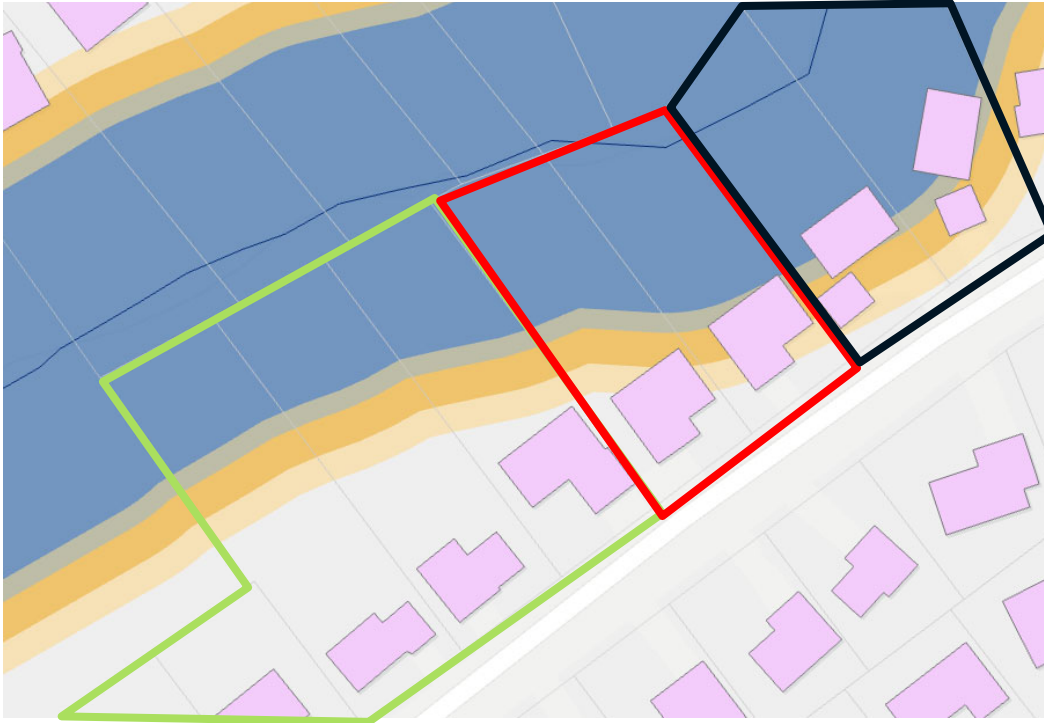
Parcels impacted by critical area buffers can be defined in multiple ways. The first column in the table below defines “impacted” as any private parcel that will likely need to have a stream delineation (due to proximity to a critical area). The second column defines “significantly impacted” private parcels as those with over 40% of their area potentially covered with a critical area or buffer. Unlike in the memo, the “regulated” expanded buffer of 66 and 133 feet was used to identify the 2194 parcels that may not have development impacts but do need to delineate buffers on their property.

It is important to note that some of these parcels may be identified as within interrupted buffer areas, which would exempt them from some or all of the potential development restrictions. Staff could conduct additional research to refine the assessment of potential parcel impacts to consider parcels with probable interrupted buffers.

	# Parcels impacted	# Parcels “significantly impacted”
Private parcels impacted by the current N- and F-regulated stream buffers	2,194	1,226
New/additional parcels impacted if N buffer is increased (from 65 to 100 ft.)	306	282
New / Additional parcels impacted if F buffer increases from (133 to 150)	101	95

Table 5: Parcels impacted by potential expanded buffers. Most of the significantly impacted parcels added with buffer increases had some impact before expansion.

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Map 4: This stream buffer example shows an F stream with the existing 100-foot (standard reduced) and 130-foot (regulated) buffers in blue and a potential SPTH buffer of 133 feet (standard reduced) and 150 feet (regulated) buffers in orange.

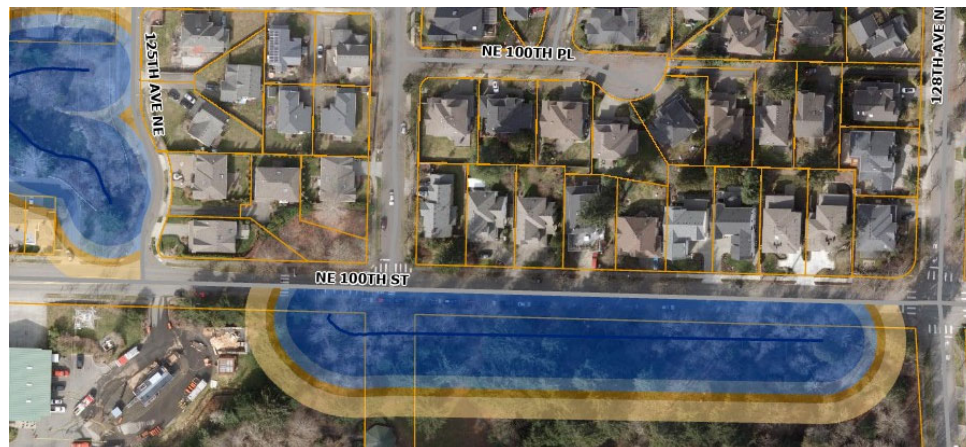
Properties in Green will notice little impact from the change. Properties in red will have future development impacts. Parcels furthest to the right in black were already under reasonable use exceptions and would remain so under redevelopment if buffers were expanded.

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6. Will interrupted buffers significantly impact the potential benefits from increasing protected area buffers?

Under Section KZC 90.120 of the existing CAO, Limited Buffer Waivers, the buffer requirement as it applies to parcels can be waived where an existing public right-of-way improved easement road, existing building, commercial parking area, or large retaining walls are legally established between the critical area and the subject parcel. Staff has completed initial analysis to help inform how application of buffer waivers may factor into any potential buffer increases (or amendments to buffer standards)

The most common buffer waiver, and that is easiest to analyze at a citywide scale, is buffer interruptions from rights-of-way. Staff mapped stream buffers interrupted by rights-of-way and did not find a significant decrease in the number of parcels that would be impacted by increased buffers (less than 1% reduction). Map 2 provides a visual example of how buffers can be applied to parcels when interrupted by rights-of-way.



Map 2: Roads interrupt the stream buffer, allowing development on the opposite side to proceed without setting aside buffers or other physical critical area protections. Streams have both N buffer (blue) and F buffers (orange) drawn in

At a broad scale, this analysis may suggest that interrupted buffers would limit the potential benefits from increasing protected area buffer widths. However, since interrupted buffers can also be identified through the presence of other improvements as described above. Anecdotally, staff has identified interrupted buffers on many parcels when permitting for development. Staff believe that interrupted buffers would reduce some of the potential benefits provided by increases in protected areas, but not by a significant amount. If any required buffer widths are increased, permits requiring review for interrupted buffer waivers may increase slightly, but not significantly.

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

Options to Address Buffer Width Recommendations

Option 1: Maintain current buffer widths

If the City pursues the approach of retaining current buffer widths, the code will be amended to clarify the regulated and (optional) reduced buffer width extents and when regulations associated with buffer impacts are required.

Standard-<u>Reduced</u> Stream Buffer Widths	
Stream Type	Buffer Width
F (Fish bearing)	100 feet
N p (Perennial <u>and seasonal</u> non-fish bearing)	50 feet
Ns (Seasonal non-fish bearing)	50 feet
	See KZC 90.130 for buffer vegetation requirements

<u>Regulated-</u> Stream Buffer Widths	
Stream Type	Buffer Width
F (Fish bearing)	133 feet
N (perennial and seasonal non-fish bearing)	66 feet

Table 6a, b: Redline example and addition of a second table that clarifies current stream buffers in KZC 90.65

Staff’s analysis is that this option meets the BAS intent as long as our proactive water quality projects and programs continue to grow and we do not cross the threshold that triggers Department of Ecology mandatory requirements and improvement programs on our 303D identified streams. As infill development continues, the pressure to maintain and improve water quality will continue. Option 1 has no additional impacts to property owners along streams. This option may receive additional scrutiny from the State to ensure that relatively smaller buffer widths are coupled with additional ecological protection measures to enhance water and habitat quality.

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Option 1B: Addition of Riparian Management Zone (RMZ) to improve habitat protection

One way to improve water quality and habitat without impacting the physical development potential (i.e., allowed development footprint) on a site is to add an outer RMZ boundary to the existing regulated buffer. To be effective, the RMZ would not be subject to interruptions or other reductions in size and would be regulated separately than the existing regulated development buffers

For this option, development can still occur within the RMZ according to current standards but would require any or all of the following existing development options to better address both clean water and habitat goals identified in the BAS:

- Require “smart growth” LID measures as shown in KZC 114 and on the Kirkland web page¹⁰ that focus on water retention, quality, and native or climate-adapted plants.
- Require the same critical area development standards that reduce other pollutant types, such as noise, runoff or light, as shown in the proposed table updates for KZC 90.155 during the May 22 PC update
- Extend critical area tree retention policies after development through the RMZ to encourage habitat and increased canopy¹¹.

The RMZ would be set to either 100 feet from the top of any stream bank or OHWM (per KZC90.110.7.c) to meet water quality goals, or to 150 feet to address both water quality and habitat improvement goals. An RMZ protection may include any properties within the set distance, despite potential buffer interruptions, as above ground habitat and other pollutants may still impact the habitat of the stream.

¹⁰ <https://www.codepublishing.com/WA/Kirkland/html/KirklandZ114/KirklandZ114.html>

<https://www.kirklandwa.gov/Government/Departments/Development-Services-Center/Tools-and-Resources/Stormwater/LID#:~:text=The%20City%20of%20Kirkland%20requires%20the%20use%20of,policies%2C%20design%20criteria%2C%20and%20details%20for%20LID%20techniques.>

¹¹ <https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Folder-for-Form-web-pages/Forms-Webpages-Planning/Tree-Removal-in-Critical-Areas-or-Buffers>

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

Option 2: Increase buffers to improve water quality.

Increase Regulated N (non-fish) stream buffers to 100 ft. and retain the current buffers for F fish-bearing streams.

Standard Reduced Stream Buffer Widths		Regulated Stream Buffer Widths	
Stream Type	Buffer Width	Stream Type	Buffer Width
F (Fish bearing)	100 feet	F (Fish)	133 feet
Np (Perennial and seasonal non-fish bearing)	75 feet	N (Perennial and Seasonal non-fish bearing)	100 feet
	See KZC 90.130 for buffer vegetation requirements		

Table 7a, b. Example tables to add to KZC90.65 if Option 2 is selected

This option would meet the BAS for pollution removal by restricting development within 100 feet of riparian areas. Current standards to allow a 25% impact within the buffer, with the same requirements to improve the quality and function of the buffer, would remain. Water pollution removal requirements as identified in KZC 90.155 are already required with buffer reductions and would be emphasized for impacts within a 100-foot buffer.

This option would likely improve water quality and habitat. It would likely add 306 properties that may require a City determination for development, and it would add 282 properties to the significantly impacted category where 40% of their property contains a critical area or buffer.

Additional regulations could be implemented to improve habitat conditions similar to what was proposed in Option 1b.

If this option is pursued, staff would spend time getting feedback from property owners.

Additional regulations could be implemented to improve habitat conditions, similar to what was proposed in Option 1b.

ATTACHMENT 1 - CAO Stream Buffer Analysis and Options

Option 3: Increase all buffers to meet State recommendations

Increase Regulated N (non-fish) stream buffers to 100 ft for water quality. and increase buffers for F fish-bearing) streams to improve habitat for endangered and threatened anadromous fish.

Standard Reduced Stream Buffer Widths	
Stream Type	Buffer Width
F (Fish bearing)	<u>115</u> feet
Np (Perennial non-fish bearing)	<u>75</u> feet
	See KZC 90.130 for buffer vegetation requirements


Regulated Stream Buffer Widths	
Stream Type	Buffer Width
<u>F (Fish bearing)</u>	<u>150</u> feet
<u>N (Perennial and Seasonal non-fish bearing)</u>	<u>100</u> feet


Table 8a, b: Example tables for stream buffers if Option 3 is selected


This option builds upon the Option 2 buffer increase for water quality and adds the habitat expansion for F type streams using Site Potential Tree Height (SPTH) as interpreted by staff in this document.

Protection could be maximized by including the addition of Option 1B to all parcels on both N and F streams inside the SPTH.

Increasing the F stream buffer will potentially add 407 additional properties into the critical area assessment category and 377 additional properties will move into the 40% lot coverage “significant impact” category. Similar to the additional properties in Option 2, The number of properties impacted by the development restrictions associated with critical area buffers will likely be lower due to the identification of interrupted buffers when parcels are reviewed per the relevant criteria.

City of Kirkland - Planning & Building Department - Public Meeting Calendar				
Regular Meeting Times Unless Otherwise Noted:				
City Council: Study Session 5:30 PM; Regular Meeting 7:30 PM (1st & 3rd Tuesday)		City Council Webpage		(H) = Hearing
Planning Commission: 6:00 PM (2nd & 4th Thursday)		Planning Commission Webpage		
Hearing Examiner: 9:30 AM (1st & 3rd Thursday)		Hearing Examiner Webpage		(S) = Study Session
Design Review Board: 7:00 PM (1st & 3rd Monday)		Design Review Board Webpage		
July		2025		Last Updated: 7/17/25 7:50 AM
MEETING LOCATION: HYBRID VIA ZOOM (UNLESS NOTED OTHERWISE)				
Monday	Tuesday	Wednesday	Thursday	Friday
	City Council 7:30 PM Houghton Village RFP Responses (SS) (AZ) CA Code Update Briefing (AH, JA)		Hearing Examiner 9:30 AM MEETING CANCELLED Admin: TG	INDEPENDENCE DAY CITY HALL CLOSED 
Design Review Board 7:00 PM Minor Modification of DRV12-01340: Arete Pergola (CC) Admin: TG			Planning Commission 6:00 PM Co-Living Housing Code Amendments Briefing (MR) Streamlining Design Review Briefing (H) (TL) 2025 Misc. Amends Briefing (PM) Admin: TG	
	City Council 7:30 PM Juanita CAR Zoning Code Amendments Briefing (S) (LBL) Polaris MFTE (Consent) (DR)		Hearing Examiner 9:30 AM MEETING CANCELLED Special Hearing Examiner 1:00 p.m. Process IIB Master Plan Amendment zoning permit for Northwest University Admin: JD	
Design Review Board 7:00 PM MEETING CANCELLED Admin: JD			Planning Commission 6:00 PM Critical Area Amendments(AZ, AH, LL, JA) 2025 State Legislative Session Review (LL) Admin: JD	

City of Kirkland - Planning & Building Department - Public Meeting Calendar				
Regular Meeting Times Unless Otherwise Noted:				
City Council: Study Session 5:30 PM; Regular Meeting 7:30 PM (1st & 3rd Tuesday)		City Council Webpage		(H) = Hearing
Planning Commission: 6:00 PM (2nd & 4th Thursday)		Planning Commission Webpage		
Hearing Examiner: 10:00 AM (1st & 3rd Thursday)		Hearing Examiner Webpage		(S) = Study Session
Design Review Board: 7:00 PM (1st & 3rd Monday)		Design Review Board Webpage		
September		2025		Last Updated: 7/17/25 7:56 AM
MEETING LOCATION: HYBRID VIA ZOOM (UNLESS NOTED OTHERWISE)				
Monday	Tuesday	Wednesday	Thursday	Friday
1 Design Review Board CANCELLED	2 City Council 7:30 PM Critical Area Code Update Consideration of Draft Code Amendments (AH) JA Juanita CAR Zoning Code Amendments Adoption (LBL) 2025 Q2 Planning Implementation Report (Consent) (DB/DN/AZ)	3	4 Hearing Examiner 10:00 AM	5
LABOR DAY CITY HALL CLOSED 				
8	9	10	11 Planning Commission 6:00 PM	12
			Admin: JD	
15 Design Review Board 7:30 PM	16 City Council 7:30 PM Co-Living Housing Code Amendments Adoption (MR) 2025 Miscellaneous Code Amendments Adoption (PM)	17	18 Hearing Examiner 10:00 AM	19
22	23	24	25 Planning Commission 6:00 PM	26
			Admin: TG	
29	30			

City of Kirkland - Planning & Building Department - Public Meeting Calendar				
Regular Meeting Times Unless Otherwise Noted:				
City Council: Study Session 5:30 PM; Regular Meeting 7:30 PM (1st & 3rd Tuesday)		City Council Webpage		(H) = Hearing
Planning Commission: 6:00 PM (2nd & 4th Thursday)		Planning Commission Webpage		
Hearing Examiner: 10:00 AM (1st & 3rd Thursday)		Hearing Examiner Webpage		(S) = Study Session
Design Review Board: 7:00 PM (1st & 3rd Monday)		Design Review Board Webpage		
October		2025		Last Updated: 7/17/25 7:56 AM
MEETING LOCATION: HYBRID VIA ZOOM (UNLESS NOTED OTHERWISE)				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 Hearing Examiner 10:00 AM	3
6 Design Review Board 7:30 PM	7 City Council 7:30 PM	8	9 Planning Commission 6:00 PM	10
13 Indigenous Peoples' Day 	14	15	16 Hearing Examiner 10:00 AM	17
20 Design Review Board 7:30 PM	21 City Council 7:30 PM	22	23 Planning Commission 6:00 PM	24
27	28	29	30	31