

CITY OF KIRKLAND

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DEPARTMENT OF PUBLIC WORKS

PRE-APPROVED PLANS POLICY

Policy D-15: NATIVE GROWTH RETENTION AREA (NGRA) ADDITIONAL REQUIREMENTS

In addition to the requirements identified in the 2021 King County Surface Water Design Manual (KCSWDM) in Appendix C, Section 2.10 - NGRA, the following criteria apply.

Design/Construction

- The minimum allowable area to set aside for a NGRA shall be 10% of the lot and under no circumstances shall be less than 2,000 sf. NGRAs that are contiguous with NGPE's may reduce size to 500 sf if 10% coverage is achieved.
- The Native Growth Retention Area (NGRA) needs to be contiguous on the lot and not separated by fencing. Projects that propose to create NGRAs on multiple lots should make the NGRA contiguous between lots.
- With a subdivision, the NGRA can be on one or multiple lots. (ex: in a 2 lot short plat, the entire NGRA could be on one lot to meet the 0.15 c.f.s. exception in the 2021 KCSWDM).
- A NGRA cannot be created over a native growth protection easement (NGPE). The NGPE is a requirement of planning and the sensitive area and the buffer must be mitigated for through the zoning code. The NGRA intent is to preserve or create additional forested areas outside of buffer requirements.
- A minimum width of 25 feet is required for the native growth retention area.
- Special inspection by a third party or internal staff will be required to document the type and quantity of plants are meeting the approved design.
- Public utilities and access to public utilities are not allowed within the NGRA
- NGRA shall be fenced using a split-rail. A sign designating the area a a NGRA shall be installed on the split-rail. (One sign on each property). Gate access is allowed.
- The following language must be recorded on the plat: NGRAs that are contiguous with a NGPE shall not fence between NGRA and NGPE, only between NGRA and developed area.

"The owners of the land herein short subdivided hereby grants to the City of Kirkland a municipal corporation, a native growth retention area easement over, across, under and on that area shown hereon as Native Growth Retention Area (NGRA). The City shall have a license to enter the property to access the easement area for the purposes of monitoring for compliance with the terms of this easement as outlined in the 2021 King County Surface Water Design Manual.

It is the responsibility of the property owner(s) to maintain the NGRA. Maintenance shall include removing non-native, invasive and noxious plants; and planting native plants and trees as determined by the City of Kirkland.

All trees within the NGRA shall be retained, aside from approved timber harvest activities and the removal of dangerous or diseased trees. The NGRA may be used for passive recreation; provided temporary structures with or without foundation (tree houses, sheds, etc) are not installed and any cleared and compacted areas do not exceed eight percent (8%) of the NGRA. All improvements within NGRA shall require written approval by the City of Kirkland Public Works Department Stormwater Engineering staff. It shall be the responsibility of the property owner to gain all permits and approvals.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officials, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to the property or injury to any person arising out of the existence of said native growth retention area over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, including all costs and expenses, and recover attorney's fees as may be incurred by the City of Kirkland in defense thereof; excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland file/permit no. SUBXX-XXXXX.

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land."

0-3 Years after Construction

- The City may contract with a third party to monitor the native growth retention area for the first 3 years. Minimum plant survival after 3 years is 90%. Maximum aerial cover by invasive weed species is 10%. The developer will be responsible for paying for the monitoring and reporting. The monitoring report shall include:
 - A minimum of 3 photo points
 - Plant counts
 - Type and amount of invasive species (maintenance is required after 5% invasive species)
 - Recommendation for maintenance needs, if any
- The developer will be responsible for the maintenance of the native growth retention area. The maintenance shall include irrigation / watering of the plants for survival and implementing the maintenance recommendations from the monitoring report.
- The developer shall be responsible for posting a maintenance security for the first 3 years (value equal to \$30 per square foot of NGRA, Min = \$15,000 to Max = \$60,000). The maintenance security will be used if the developer does not implement the maintenance recommendations from the monitoring report in a timely manner.

- If native plant survival and invasive species cover standards are not achieved, the City has the ability to extend the monitoring period an additional year to ensure plant survival prior to handing over to the responsibility of maintenance to the homeowners.
- The developer shall be responsible for paying a monitoring fee (fees will be determined at time of review, and are expected to be similar to \$11,200 for NGRA areas from 500 to 2499 sf; \$15,169 for areas from 2500 sf to 10,000 sf).

> 3 years after Construction

- Following the approval of the maintenance / monitoring requirements of the construction mentioned above, maintenance will be the responsibility of the homeowner.
- The City will inspect the native growth retention area on an annual basis if the area is used to meet a flow control exception or reduce the size of a detention system.