

Chapter 70 – HOLMES POINT OVERLAY ZONE

Sections:

[70.05](#) Purpose

[70.15](#) Standards

[70.25](#) Variations from Standards

70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of environmental protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

(Ord. 4437 § 1, 2014; Ord. 4196 § 1, 2009)

70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter 18 KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapter [85](#) KZC (Geologically Hazardous Areas) or Chapter [90](#) KZC (Drainage Basins) or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.
2. Total lot coverage shall be limited within every building lot as follows:
 - a. On lots up to 6,500 square feet in size, 2,600 square feet;
 - b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;
 - c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;
 - d. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five (5) percent of the area of the lot, not to exceed 750 square feet;
 - e. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use

driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or within flag lots shall be excluded from calculations.

Summary Table:

<u>Lot Size</u>	<u>Maximum Lot Coverage</u>
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:

- a. All significant trees, as defined in Chapter [95](#) KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree’s health;
- b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area;
- c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

In general, the PNA shall be located in one (1) contiguous area on each lot unless the City determines that designation of more than one (1) area results in superior protection of existing vegetation. The PNA shall be designated to encompass any critical areas on the lot and, to the maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection (4)(a) of this section.

If the lot does not contain an existing area meeting the vegetation requirements of subsection (4)(a) of this section or if the applicant demonstrates to the satisfaction of the Planning Official that retaining such vegetation area is not feasible because it would significantly restrict the ability to develop the subject property based on applicable zoning regulations, a PNA shall be restored or established to the standards set forth in subsection (4)(b) of this section;

- d. If development on the lot is to be served by an on-site sewage disposal system, any areas required by the Department of Public Health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection (3)(a) of this section, and any plants that are damaged must be replaced with similar native plants.

4. Minimum Vegetation Conditions in the Protected Natural Area

a. Existing Native Vegetation – Priority is given to designate contiguous areas containing native vegetation meeting the following standards:

1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC [95.33](#).

Example: A 10,000-square-foot lot requires a 2,500 sq. ft. PNA ($10,000 \times 25\% = 2,500$ sq. ft.). Within the 2,500 sq. ft. PNA, nine (9) tree credits are required ($2,500 \text{ sq. ft.} / 43,560 \text{ sq. ft.} = 0.057$ acres $\times 150$ tree credits = 8.6, rounded to nine (9) tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

2) Shrubs – Predominately 36 inches high, covering at least 60 percent of the PNA.

3) Living Groundcovers – Covering at least 60 percent of the PNA.

b. Vegetation Deficiencies

1) If the PNA contains insufficient existing vegetation pursuant to subsection (4)(a) of this section, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to subsection (4)(b)(3) of this section.

2) If the Planning Official determines that it is not feasible to retain an existing vegetation area, the applicant shall establish a PNA in a location approved by the Planning Official and planted in accordance with the supplemental vegetation standards in subsection (4)(b)(3) of this section.

3) Supplemental Vegetation Standards – The applicant shall provide at a minimum:

a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.

b) Trees – Planted with a tree density of 150 tree credits per acre as described in KZC [95.33](#). The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.

c) Shrubs – Planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between 2- and 5-gallon pots or balled and burlapped equivalents.

d) Living Groundcovers – Planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the naturalized area.

4) Soil Specifications – Soils in supplemental vegetation areas shall comply with KZC [95.50](#), particularly those areas requiring decompaction.

5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC [95.50](#).

- 6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.
- 7) Landscape Plan Required – In addition to the tree retention plan required pursuant to KZC [95.30](#), application materials shall clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.
5. Subdivisions and short subdivisions shall be subject to the following requirements:
- New public or private road improvements shall be the minimum necessary to serve the development on the site in accordance with Chapter [110](#) KZC. The City shall consider granting modifications to the road standards to further minimize site disturbance, consistent with pedestrian and traffic safety, and the other purposes of the road standards; and
 - Impervious surfaces and other alterations within each lot shall be limited as provided in subsections (2) and (3) of this section. In townhouse or multifamily developments, total impervious surfaces and other alterations shall be limited to 2,600 square feet per lot or dwelling unit in the R-6 and R-8 zones, and 3,300 square feet per lot or dwelling unit in the R-4 zone.
6. Tree Retention Plan – The applicant shall submit a tree retention plan required under KZC [95.30](#). In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.
7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:
- Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing conditions, tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.
 - Prior to approving any subdivision or building permit for more than one (1) dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the conditions, tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (7)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC [95.30\(6\)](#). If the applicant chooses integrated review (rather than phased

review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

8. Tree and Landscape Maintenance Requirements

a. Protected Natural Area(s) – The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

1) A final as-built landscape plan showing all vegetation required to be planted or preserved; and

2) A recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.

3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

b. All significant trees in the remaining 75 percent of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23(5)(d).

9. Pervious areas which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC shall be maintained as open space in an undisturbed state, except for the following activities:

a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;

b. Noxious weeds may be cleared as long as they are replaced with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;

c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service “Trails Management Handbook” (FSH 2309.18, June 1987, as amended) and “Standard Specifications for Construction of Trails” (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;

d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree’s health as allowed for in Chapter 95 KZC; and

e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

10. Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

(Ord. 4437 § 1, 2014; Ord. 4196 § 1, 2009)

70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter [120](#) KZC, and one (1) or more of the following circumstances applies:

1. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
2. On-site flow control facilities are required by the Public Works Department;
3. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one (1) or more additional significant trees, as defined in Chapter [95](#) KZC, that would otherwise be cleared; or
4. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

(Ord. 4437 § 1, 2014; Ord. 4196 § 1, 2009)

The Kirkland Zoning Code is current through Ordinance 4479, passed March 3, 2015.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
