

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 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.

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Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter [18](#) KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development: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 Chapters [85](#) [KZC \(Geologically Hazardous Areas\)](#) or [90](#) [KZC \(Environmentally Sensitive Areas Drainage Basins\)](#) 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;

- c. 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 percent of the area of the lot, not to exceed 750 square feet;
- d. 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 access panhandles within flag lots shall be excluded from calculations.

Summary Table:

Lot Size	Maximum Lot Coverage
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 contiguous area on each lot unless the City determines that designation of more than one 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).

If the lot does not contain an existing area meeting the vegetation requirements of subsection (4.a) or it is not feasible to retain such an area as a result of proposed development, a PNA shall be restored or established to the standards set forth in subsection (4.b).

- e. 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, 9 tree credits are required ($2,500$ sq. ft. / $43,560$ sq. ft. = $.057$ acres $\times 150$ tree credits = 8.6 , rounded to 9 tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

- 1) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,

- 2) Living ground covers- covering at least 60 percent of the PNA.

- b. Vegetation Deficiencies -

- 1) If the PNA contains insufficient existing vegetation pursuant to subsection a above, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.

- 2) If the Planning Official determines that it is not feasible to retain an existing vegetation area pursuant to subsection a above, the applicant shall establish a PNA in a location consistent with subsection 3) of this Section, and plant the PNA to meet minimum supplemental vegetation standards.
- 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 two and five gallon pots or balled and burlapped equivalents.
 - d) Living ground covers- 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.

4.5 Subdivisions and short subdivisions shall be subject to the following requirements:

- a. 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
- b. 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.

56 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:

- a. 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 ~~amount of undisturbed area, 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.
- b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the ~~conditions, amount of undisturbed area,~~ 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 (57)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 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% 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.

69. Pervious areas not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section, 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. ~~Areas infested by Noxious weeds~~ may be ~~replanted~~ cleared as long as they are replanted 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.

~~710.~~ 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.

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 or more of the following circumstances applies:

- a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
- b. On-site flow control facilities are required by the Public Works Department;
- c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter 95 KZC, that would otherwise be cleared; or

- d. 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.

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.23 Tree Removal – Not Associated with Development Activity

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1. Introduction Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.
 2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.
 No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#) and subsection (5) of this section.
 3. Tree Removal Permit Application Form. The Department of Planning and Community Development and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:
 - a. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
 - b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC [95.33](#)(3).
 4. Tree Removal Permit Application Procedure and Appeals.
 - a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along

with the reasons for the denial and the appeal process.

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter [145](#) KZC.

5. Tree Removal Allowances.

a. Except in the Holmes Point Overlay Zone. Any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

- 1) There is no active application for development activity for the site;
- 2) The trees were not required to be retained or planted as a condition of previous development activity; and
- 3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.

2) Tree Replacement.

a) For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.

b) If a tree removal request is for one (1) or both of the trees required to remain, a Tree Removal Permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.

c) For all other uses not listed in subsection (5)(b)(1) of this section, a Tree Removal Permit is required and the

required tree replacement will be based on the required landscaping standards in KZC [95.40](#) through [95.45](#).

- c. Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter [83](#) KZC for additional standards.
- d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.

2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. The priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing.

The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC).

The removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was

located. Selection of native species and timing of installation shall be approved by the Planning Official.

34) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.

e. Forest Management Plan. (no change)

95.30 Tree Retention Associated with Development Activity

1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC [95.21](#).
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) ~~and (5)~~ of this section:
 - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
 - b. Any existing tree or other existing vegetation designated for preservation in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC [95.23](#) unless:
 - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
 - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
 - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#) through [95.45](#), Required Landscaping.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
- ~~4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15.8.a. Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b~~
- ~~54.~~ Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant

to KZC [95.23](#)(5)(d). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.

- 65.** Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
- 76.** Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
- 87.** Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

