

ORDINANCE O-4584

AN ORDINANCE OF THE CITY OF KIRKLAND, ESTABLISHING A MORATORIUM WITHIN THE HOLMES POINT OVERLAY ZONE ON THE ACCEPTANCE OF APPLICATIONS FOR SHORT PLATS AND SUBDIVISIONS PROPOSING PHASED REVIEW OF TREE RETENTION PLANS AND REQUIRING COMPREHENSIVE REVIEW OF TREE RETENTION PLANS WITH SHORT PLAT OR SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE VIA AN INTEGRATED DEVELOPMENT PLAN (IDP), FILE CAM17-00408.

1 WHEREAS, the City has the authority to adopt moratoria
2 pursuant to RCW 35A.63.220 and RCW 36.70A.390 and KMC 35.30.1;
3 and
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5 WHEREAS, there has been an increase in the number of short
6 plat and subdivision applications to process in the Holmes Point Overlay
7 zone area in the Finn Hill Neighborhood and the Finn Hill Neighborhood
8 Alliance requests a development moratorium be adopted to provide for
9 additional tree protection; and
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11 WHEREAS, these short plats and subdivisions have an adverse
12 impact on trees in the Holmes Point Overlay zone and reduce tree
13 canopy city wide; and
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15 WHEREAS, current City regulations in KZC 95.30.2 through
16 95.30.5 outline a procedure for a comprehensive review of tree
17 retention plans for all aspects of development permits, commonly
18 referred to as Integrated Development Plan (IDP) review; and
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20 WHEREAS, Integrated Development Plan (IDP) review of tree
21 retention plans with short plats and subdivisions, based on the
22 regulations contained in KZC 95.30.2 through 95.30.5, is allowable, but
23 is not a requirement; instead, developers can choose phased review
24 pursuant to KZC 95.30.6.a, wherein tree retention plans need only
25 address those trees affected by the known improvements at the time of
26 application; and
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28 WHEREAS, the City needs to better address the impact short plat
29 and subdivision developments within the Holmes Point Overlay have on
30 the environment and surrounding neighborhood, and a comprehensive
31 review of tree retention plans with short plats and subdivisions will help
32 provide a more integrated review of the entire site with the goal to
33 reduce the amount of tree removal while still allowing development; and
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35 WHEREAS, a comprehensive review of tree plans will help meet
36 the need and intent of the Holmes Point Overlay regulations contained

37 in KZC 70 to retain significant trees, in addition to the tree retention
38 requirements contained in KZC 95; and

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40 WHEREAS, a Finn Hill Neighborhood Plan is in the process of
41 being developed to better address impacts that tree removal associated
42 with development activity will have in the Holmes Point Overlay area
43 and the surrounding neighborhood, and is expected to be implemented
44 in late 2017 or early 2018; and

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46 WHEREAS, the City is currently undertaking studies and
47 considering amendments to development regulations in the Holmes
48 Point Overlay zone, and is planning to enact amendments to
49 development regulations in the Holmes Point Overlay zone in late 2017
50 or early 2018; and

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52 WHEREAS, until permanent ordinances amending the
53 development regulations in the Holmes Point Overlay zone are adopted
54 and the Finn Hill Neighborhood Plan can be implemented, there is a
55 need to restrict the development of short plats and subdivisions in the
56 Holmes Point Overlay zone to prohibit phased review of tree retention
57 plans and require a comprehensive review process of tree retention
58 plans with short plats and subdivisions via IDP review procedures; and

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60 WHEREAS, the City is concerned that if this moratorium is not
61 immediately enacted then many irreplaceable significant trees in the
62 Holmes Point Overlay zone will be lost between now and when the new
63 Holmes Point Overlay regulations are planned to take effect; and

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65 WHEREAS, the Kirkland City Council has determined that there
66 is a need for greater tree retention in the Holmes Point Overlay zone;
67 and

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69 WHEREAS, the loss of too many significant trees in the Holmes
70 Point Overlay zone would affect not only tree canopy and wildlife
71 habitat, but could affect soil stability and create landslide and erosion
72 hazards; and

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74 WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390,
75 a public hearing on the moratorium herein will be held within 60 days
76 of the adoption of this ordinance.

77
78 NOW, THEREFORE, the City Council of the City of Kirkland do
79 ordain as follows:

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81 Section 1. Enactment of Moratorium. With regard to property
82 located within the Holmes Point Overlay zone, the City shall no longer
83 accept applications for short plat or subdivision applications with a
84 phased tree retention plan as described in KZC 95.30.6a. Instead, the

85 City shall require submittal of a comprehensive tree retention plan as
86 outlined in KZC 95.30.2 through 95.30.5 for all short plat and subdivision
87 applications filed for property located within the Holmes Point Overlay
88 zone.

89
90 Section 2. Staff will continue to use existing administrative
91 procedures known as Integrated Development Plan (IDP) Review to
92 assist applicants with the processing of short plats, subdivisions and
93 subsequent development permits within the Holmes Point Overlay Zone.
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95 Section 3. Public Hearing. Pursuant to RCW 35A.63.220, the
96 City Council shall hold a public hearing on this moratorium within sixty
97 (60) days of its adoption, or no later than September 16, 2017, to hear
98 and consider public comment. Following such hearing, the City Council
99 may adopt findings of fact and may extend the moratorium ordinance
100 for a period of up to six (6) months. If a period of more than six (6)
101 months is required to complete consideration of any changes in the
102 Holmes Point Overlay Zone then the Council may extend this
103 moratorium ordinance after any required public hearing, pursuant to
104 RCW 35A.63.220 and RCW 36.70A.390.
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106 Section 4. Public Emergency. The City Council hereby finds
107 and declares that a public emergency exists, and that this Ordinance is
108 necessary for the protection of the public health and safety and the
109 preservation of the character of surrounding neighborhoods.
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111 Section 5. Effective Date. In accordance with RCW
112 35A.63.220 and RCW 36.70A.390, this Ordinance shall take effect and
113 be in force immediately upon adoption.
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115 Section 6. If any provision of this Ordinance or its
116 application to any person or circumstance is held invalid, the remainder
117 of the ordinance or the application of the provision to other persons or
118 circumstances is not affected.
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120 Section 7. This ordinance shall be in force and effect
121 immediately from and after its passage by the Kirkland City Council and
122 publication pursuant to Section 1.08.017, Kirkland Municipal Code in the
123 summary form attached to the original of this ordinance and by this
124 reference approved by the City Council.
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126 Passed by majority plus one of the whole membership of the
127 Kirkland City Council in open meeting this 18th day of July, 2017.
128

129 Signed in authentication thereof this 18th day of July, 2017.


Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Publication Date: July 24, 2017

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4584

AN ORDINANCE OF THE CITY OF KIRKLAND, ESTABLISHING A MORATORIUM WITHIN THE HOLMES POINT OVERLAY ZONE ON THE ACCEPTANCE OF APPLICATIONS FOR SHORT PLATS AND SUBDIVISIONS PROPOSING PHASED REVIEW OF TREE RETENTION PLANS AND REQUIRING COMPREHENSIVE REVIEW OF TREE RETENTION PLANS WITH SHORT PLAT OR SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE VIA AN INTEGRATED DEVELOPMENT PLAN (IDP), FILE CAM17-00408.

SECTION 1. Provides for a moratorium on accepting applications for short plat or subdivision applications with phased tree retention plans as described in KZC 95.30.6a in the Holmes Point Overlay zone. Instead, the City shall require submittal of a comprehensive tree retention plan as outlined in KZC 95.30.2-95.30.5 for all short plat and subdivision applications filed for property located within the Holmes Point Overlay zone

SECTIONS 2-6. Describes that the ordinance shall be in effect immediately, the duration of the moratorium Ordinance shall be for sixty days, that it may be extended for six month following a public hearing to consider public comment, and if any provision of the ordinance is held invalid the remainder of the ordinance or application of the provision to persons or circumstances is not affected.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 18th day of July, 2017.

I certify that the foregoing is a summary of Ordinance O-4584 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk