

ORDINANCE O-4601

AN ORDINANCE OF THE CITY OF KIRKLAND, CONTINUING 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); AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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
4

5 WHEREAS, current City regulations in KZC 95.30.2 through
6 95.30.5 outline a procedure for a comprehensive review of tree
7 retention plans for all aspects of development permits, commonly
8 referred to as Integrated Development Plan (IDP) review; and
9

10 WHEREAS, IDP review of tree retention plans with short plats
11 and subdivisions, based on the regulations contained in KZC 95.30.2
12 through 95.30.5, has been allowable, but not a requirement; instead,
13 developers can choose phased review pursuant to KZC 95.30.6.a,
14 wherein tree retention plans need only address those trees affected by
15 the known improvements at the time of application; and
16

17 WHEREAS, the City needs to better address the impacts short
18 plat and subdivision developments within the Holmes Point Overlay have
19 on the environment and surrounding neighborhood, and a
20 comprehensive review of tree retention plans with short plats and
21 subdivisions will help provide a more integrated review of the entire site
22 with the goal to reduce the loss of tree canopy while still allowing
23 development; and
24

25 WHEREAS, a comprehensive review of tree plans will help meet
26 the need and intent of the Holmes Point Overlay regulations contained
27 in KZC 70 to retain significant trees, where possible, in addition to the
28 tree retention requirements contained in KZC 95; and
29

30 WHEREAS, a public hearing was held on September 5, 2017,
31 with regard to Moratorium Ordinance 4584 and whether it should be
32 continued; and
33

34 WHEREAS, the City Council determines that it is necessary to
35 continue Moratorium Ordinance 4584 and continue to prohibit short plat

36 and subdivision development applications based on phased review of
37 tree retention plans; instead, allowing only comprehensive review of
38 tree retention plans via the IDP process, so as to continue the status
39 quo and encourage development that has less impact on tree canopy in
40 the Holmes Point Overlay zone. The City determines it is necessary to
41 continue this Ordinance until the City completes its review of
42 amendments it intends to make with regard to the Comprehensive Plan
43 and development code applicable to the Holmes Point Overlay zone
44 ("Collectively called the "Holmes Point Overlay Regulations Project"), in
45 addition to adoption of the Finn Hill Neighborhood Plan; and
46

47 WHEREAS, in addition to the findings and conclusions contained
48 above, after public hearing and consideration of the comments made at
49 the public hearing, the City Council adopts the following Findings of
50 Fact:

51
52 NOW, THEREFORE, the City Council of the City of Kirkland do
53 ordain as follows:

54
55 Section 1.

56
57 Findings of Fact

58
59 a. There has been an increase in the number of short plat and
60 subdivision applications to process in the Holmes Point Overlay zone
61 area in the Finn Hill Neighborhood and the Finn Hill Neighborhood
62 Alliance requests a development moratorium be adopted to provide for
63 additional tree protection.
64

65 b. These short plats and subdivisions have an adverse impact on
66 significant trees in the Holmes Point Overlay zone, and reduce tree
67 canopy city-wide.
68

69 c. If Moratorium Ordinance 4584 is not continued then it is likely
70 that a greater number of irreplaceable significant trees in the Holmes
71 Point Overlay zone will be lost between now and when the new Holmes
72 Point Overlay regulations take effect.
73

74 d. The loss of too many significant trees in the Holmes Point
75 Overlay zone would affect not only tree canopy, but also wildlife habitat
76 and soil stability, and could create landslide and erosion hazards; and
77

78 e. The City is currently undertaking studies and considering
79 amendments to development regulations in the Holmes Point Overlay
80 zone, and is planning to enact amendments to development regulations
81 in the Holmes Point Overlay zone in late 2017 or early 2018.

82 f. The City is in the process of developing a Finn Hill
83 Neighborhood Plan that is intended to better address impacts that tree
84 removal associated with development activity will have in the Holmes
85 Point Overlay area and the surrounding neighborhood, and is expected
86 to be implemented in late 2017 or early 2018.

87
88 g. Until permanent ordinances amending the development
89 regulations in the Holmes Point Overlay zone are adopted and the Finn
90 Hill Neighborhood Plan can be implemented, there is a need to require
91 a comprehensive review process of tree retention plans via IDP review
92 procedures in the Holmes Point Overlay zone.

93
94 h. On July 18, 2017, the City Council passed Ordinance 4584
95 establishing an immediate moratorium within the Holmes Point Overlay
96 Zone on the acceptance of applications for short plats and subdivisions
97 proposing phased review of tree retention plans and, instead, requiring
98 tree retention review via an integrated development plan (IDP).

99
100 i. RCW 35A.63.220 and RCW 36.70A.390 allow the City to adopt
101 a moratorium for up to six months without notice and without a public
102 hearing, so long as a public hearing is conducted within 60 days.

103
104 j. A public hearing on Moratorium Ordinance 4584 was held on
105 September 5, 2017, and the City Council heard from both proponents
106 and opponents of the moratorium.

107
108 Section 2. Continue the Moratorium. With regard to property
109 located within the Holmes Point Overlay zone, the City shall not accept
110 applications for short plats or subdivisions that propose a phased tree
111 retention plan as described in KZC 95.30.6a. Instead, the City shall
112 continue to require submittal of a comprehensive tree retention plan as
113 outlined in KZC 95.30.2 through 95.30.5 for all short plat and subdivision
114 applications filed for property located within the Holmes Point Overlay
115 zone.

116
117 Section 3. Staff will continue to use existing administrative
118 procedures known as Integrated Development Plan (IDP) Review to
119 assist applicants with the processing of short plats, subdivisions and
120 subsequent development permits within the Holmes Point Overlay Zone.

121
122 Section 4. Work Plan. The City is currently engaged in the
123 process of studying and amending the development regulations
124 effective in the Holmes Point Overlay zone. The City shall continue this
125 study. One of the goals is to provide a greater tree canopy in the
126 Holmes Point Overlay zone, which would be more consistent with the
127 City's Comprehensive Plan for tree retention, especially in steep slope
128 areas and lands near steep slopes to help maintain slope stability.

129 Section 5. Public Hearing. Pursuant to RCW 35A.63.220, the
130 City Council held a public hearing on this moratorium within sixty (60)
131 days of its initial adoption.

132
133 Section 6. The moratorium approved by this Ordinance shall
134 continue in effect for a period of six months from the effective date of
135 the initial moratorium ordinance, Ordinance 4584, which was adopted
136 July 18, 2017. Thus, this Ordinance shall remain in full force or effect
137 until January 14, 2018, unless amended or repealed by the Council
138 earlier.

139
140 Section 7. If any provision of this Ordinance or its application to
141 any person or circumstance is held invalid, the remainder of the
142 ordinance or the application of the provision to other persons or
143 circumstances is not affected.

144
145 Section 8. This ordinance shall be in force and effect
146 immediately from and after its passage by the Kirkland City Council and
147 publication pursuant to Section 1.08.017, Kirkland Municipal Code in the
148 summary form attached to the original of this ordinance and by this
149 reference approved by the City Council.

150
151 Passed by majority vote of the Kirkland City Council in open
152 meeting this 5th day of September, 2017.

153
154 Signed in authentication thereof this 5th day of September,
155 2017.


Amy Walen, Mayor

Attest:

Publication Date: September 11, 2017


Kathi Anderson, City Clerk

Approved as to Form:


Stephanie E. Croll, Senior Assistant City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4601

AN ORDINANCE OF THE CITY OF KIRKLAND, CONTINUING 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); AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

SECTION 1. Sets forth Findings of Fact for the Ordinance.

SECTION 2. Provides for continuation of the Moratorium.

SECTION 3. Continues existing integrated development plan review.

SECTION 4. Sets forth the work plan for the Holmes Point Overlay zone.

SECTION 5. States that the City held a public hearing on the moratorium within 60 days of its initial adoption.

SECTION 6. Describes that the moratorium shall continue to be in full force and effect until January 14, 2018.

SECTION 7. Provides a severability clause for the Ordinance.

SECTION 8. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as immediately from and after passage by the Kirkland City Council.

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 5th day of September, 2017.

I certify that the foregoing is a summary of Ordinance O-4601 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk