

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE EMERGENCY, INTERIM REGULATION OF DEVELOPMENT IN WETLANDS, WETLAND BUFFERS, STREAM BUFFERS, AND MINOR LAKE BUFFERS.

Whereas, the City has the authority to adopt interim regulations pursuant to RCW 35A.63.220; and

Whereas, the Kirkland City Council has determined that there is a need for interim regulation of future development within wetlands, wetland buffers, stream buffers, and minor lake buffers; and

Whereas, pursuant to RCW 35A.63.220, a public hearing on the regulations herein contained will be held within 60 days of the adoption of this Ordinance;

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to set forth interim regulations prohibiting future development activity in wetlands, wetland buffers, stream buffers, and minor lake buffers.

Section 2. Minor Lake Buffers. No land surface modification may take place and no improvement may be located within 50 feet of the ordinary high water line of a minor lake, except as provided in Section 90.20.2 of the Kirkland Zoning Code relating to minor improvements. An applicant may not request a modification of the requirements of this section under the provisions of Kirkland Zoning Code 90.20.3.

Section 3. Wetlands and Wetland Buffers. No land surface modification may take place and no improvement may be located in a wetland, or within the environmentally sensitive area buffers for a wetland as set forth in Kirkland Zoning Code 90.35.1, except as provided in Kirkland Zoning Code Sections 90.35.2, 90.35.3 and 90.35.8 relating to public parks, wetland restoration, and minor improvements respectively. An applicant may not request a modification of the requirements of this section under the provisions of Kirkland Zoning Code 90.35.4.

Section 4. Stream Buffers. No land surface modification may take place and no improvement may be located within an environmentally sensitive area buffer for streams as set forth in Kirkland Zoning Code 90.45.1, except as provided in Kirkland Zoning Code 90.45.3 relating to minor improvements. An applicant may not request a modification to the provisions of this section pursuant to Kirkland Zoning Code 90.45.4.

Section 5. This Ordinance shall not affect or alter the application of Sections 90.11, 90.15 and 90.40 of the Kirkland Zoning Code.

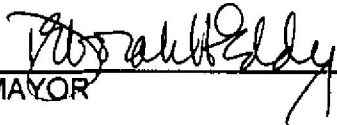
Section 6. Duration. This Ordinance shall be effective for six months. This Ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

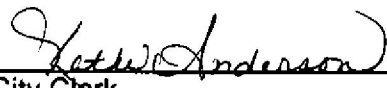
Section 8. Emergency Ordinance. This is an emergency Ordinance necessary for the protection of the public health and safety and shall be in force and effect immediately upon passage by the City Council.

Passed by a majority plus one of the whole membership of the Kirkland City Council in regular, open meeting this 18th day of February, 1997.

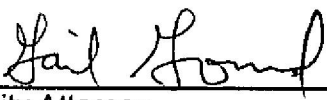
Signed in authentication thereof this 18th day of February, 1997.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
Acting City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

ord/wetlands