

ORDINANCE O-4875

AN ORDINANCE OF THE CITY OF KIRKLAND AFFIRMING ADOPTION OF O-4870, A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF BUILDING PERMITS FOR NEW DWELLING UNITS WITHIN THE GOAT HILL AREA.

1 WHEREAS, the City Council has the authority to adopt
2 development moratoria pursuant to RCW 35A.63.220, RCW
3 36.70A.390, and KZC 135.30.1; and
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5 WHEREAS, the area of the City known as Goat Hill, which lies
6 mostly in the Finn Hill Neighborhood with a small eastern portion in the
7 Juanita Neighborhood, was annexed by the City in 2011; and is
8 generally bounded by Juanita Heights Park on the north; properties
9 adjacent to 89th Ave. NE on the west; NE Juanita Drive on the south;
10 and properties adjacent to 91st Place NE and 91st Lane NE on the east;
11 and
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13 WHEREAS, Goat Hill is a neighborhood with significant physical
14 and environmental constraints. The streets in Goat Hill are steep,
15 narrow, and wind sharply around corners in many places, creating pinch
16 points with limited opportunities for vehicle turnoffs. There are only two
17 primary access points to Goat Hill – one on the south at NE 116th Place
18 and one on the east at NE 120th Street. These limited access points,
19 together with the area’s narrow, twisting streets, make day-to-day and
20 emergency access to the neighborhood difficult; and
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22 WHEREAS, Goat Hill also contains significant landslide hazards,
23 several perennial and intermittent streams, and other critical
24 environmental areas, including wetlands. Approximately 97 percent of
25 Goat Hill consists of moderate or high landslide hazard zones; and
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27 WHEREAS, After Finn Hill was annexed into Kirkland in 2011,
28 the City undertook a basin study of the area, which concluded that Goat
29 Hill faces challenges related to stormwater drainage issues, steep
30 topography, and the preponderance of groundwater reaching the
31 surface; and
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33 WHEREAS, Development on Goat Hill presents many
34 challenges, including the fact that development generates additional
35 traffic—both immediate construction-related traffic and the resulting
36 traffic from additional dwelling units—that is exacerbated by limited entry
37 points and narrow roads; and
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39 WHEREAS, Goat Hill is challenging to develop due to its
40 combination of steep topography, limited access, and heightened
41 stormwater and geologic concerns. The City has sought to address

42 these constraints in several ways, including the following: the adoption
43 of new City-wide geologic hazard regulations in 2018 that require the
44 preparation of peer-reviewed geologic studies for projects in landslide
45 hazard and/or seismic areas; implementing special construction traffic
46 requirements for development projects on Goat Hill; the construction of
47 stormwater management infrastructure to handle runoff and surface
48 water; the adoption of new threshold levels for Categorical Exemptions
49 issued pursuant to the State Environmental Policy Act (SEPA) in 2022
50 that require environmental review for projects resulting in the
51 development of five or more dwelling units on Goat Hill (in the rest of the
52 City, environmental review is not required unless the development
53 proposes 21 or more dwelling units); and the purchase of property to
54 protect as open space. Even taking into accounting for these previous
55 attempts to mitigate the impacts of development on Goat Hill, however,
56 serious concerns continue to exist about the ability of Goat Hill to
57 accommodate additional development; and
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59 WHEREAS, there are remaining developable lots on Goat Hill
60 and the potential for additional dwelling units to be built on already-
61 developed lots; and
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63 WHEREAS, the City recently received correspondence from
64 community members on Goat Hill concerned about the risks of new
65 development, including a petition from residents to "Halt the
66 Development of Forest Land into Residential Homes" in an area of Goat
67 Hill located just south of Juanita Heights Park; and
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69 WHEREAS, the City Council has significant concerns about
70 development and growth on Goat Hill under current regulations in the
71 context of the significant environmentally sensitive areas in Goat Hill and
72 the existing infrastructure; and
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74 WHEREAS, the City Council finds that unless the City acts
75 immediately to temporarily halt new development on Goat Hill, there are
76 likely to be adverse impacts on the City's infrastructure, the
77 environment, and the community based on development under the
78 current applicable regulations; and
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80 WHEREAS, based on these and related concerns, the City
81 Council requires additional time to review the City's development
82 regulations and policies to ensure that any adverse impacts related to
83 new growth and development of new and additional dwelling units in the
84 unique area of Goat Hill are properly mitigated through development
85 regulations; that new development is consistent with the public health,
86 safety and welfare; that the City's vision and goals are being met to the
87 Council's satisfaction; and that any future development pays its fair
88 share of the infrastructure improvement costs; and
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90 WHEREAS, during the moratorium, staff intends to evaluate
91 critical area concerns; vehicle and emergency access; and other
92 environmental and development concerns. Staff will also meet with
93 community members and parties affected by the moratorium. Resulting

94 code amendments and policy changes could include reducing
95 development allowances on Goat Hill; establishment of a road
96 improvement district; changing construction metering and practices;
97 amending policies regarding land clearing; identifying new emergency
98 access requirements and apparatuses; and/or other regulations and
99 policies to address the particular impacts of development in this area;
100 and

101
102 WHEREAS, the City needs time to evaluate regulatory and
103 policy changes in the Goat Hill area and in the event the City determines
104 that such changes should be made, implementing code amendments
105 and new policies will require discussions and public hearings; and
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107 WHEREAS, unless a moratorium on new development of
108 dwelling units is adopted, additional dwelling unit applications could
109 vest, thereby precluding the City from adopting meaningful regulations
110 and policies that will protect the infrastructure and significant
111 environmentally sensitive areas in Goat Hill; and
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113 WHEREAS, a moratorium will promote the public good and is
114 necessary for the protection of public health, property, safety, and
115 welfare; and
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117 WHEREAS, City Council can adopt a moratorium for up to six
118 months without prior notice and without a public hearing, provided that
119 a public hearing is thereafter conducted within 60 days of adoption of
120 the moratorium; and
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122 WHEREAS, O-4870 was enacted by the City Council on an
123 emergency basis without notice and without a public hearing on
124 February 6, 2024; and
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126 WHEREAS, a public hearing on the moratorium was properly
127 noticed and held at an open public meeting on April 2, 2024.
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129 NOW, THEREFORE, the City Council of the City of Kirkland do
130 ordain as follows:
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132 **Section 1. Findings of Fact.** The above WHEREAS recitals
133 are hereby adopted as Findings of Fact herein.
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135 **Section 2. Affirm the Moratorium.** Based upon the Findings
136 and Conclusions herein, City Council hereby affirms the moratorium
137 passed via O-4870, which temporarily bars the acceptance, processing,
138 review, approval, and issuance of permit applications related to the
139 construction of new dwelling units, including without limitation single-
140 family dwelling units, apartments, accessory dwelling units, cottages,
141 carriage homes, duplexes, and triplexes, in the Goat Hill area identified
142 in KMC 24.02.065 – Goat Hill Boundary and Zoning Map 24.02.065.
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144 **Section 3. Duration of Moratorium.** This moratorium shall
145 remain in effect for six months from February 6, 2024, the effective date
146 of O-4870, unless terminated earlier as provided by law.

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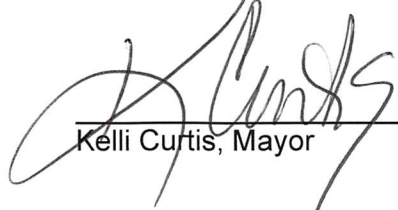
Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 5. Effective Date. This ordinance is hereby declared and designated a public emergency ordinance necessary for the protection of public health and safety and shall be effective immediately upon its passage by the City Council.

Section 6. Publication shall be pursuant to KMC 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by affirmative vote of at least 5 members of the Kirkland City Council in open meeting this 2nd day of April, 2024.

Signed in authentication thereof this 2nd day of April, 2024.



Kelli Curtis, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:

Publication Date: April 8, 2024



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4875

AN ORDINANCE OF THE CITY OF KIRKLAND AFFIRMING ADOPTION OF O-4870, A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF BUILDING PERMITS FOR NEW DWELLING UNITS WITHIN THE GOAT HILL AREA.

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SECTION 1. Adopts findings of fact for the Ordinance.

SECTION 2. Affirms the moratorium passed via Ordinance O-4870.

SECTION 3. Defines the duration of the Ordinance.

SECTION 4. Provides a severability clause for the Ordinance.

SECTION 5. Declares that a public emergency exists requiring that the Ordinance take effect immediately.

SECTION 6. 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 2nd day of April, 2024.

I certify that the foregoing is a summary of Ordinance 4875 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk