

ORDINANCE 3942

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE THIRD RENEWAL OF INTERIM REGULATIONS OF SIGNIFICANT TREES AS ADOPTED BY ORDINANCE 3865.

WHEREAS, the City has the authority to adopt interim zoning ordinances pursuant to RCW 35A.63.220; and

WHEREAS, the Kirkland City Council at its November 19, 2002 Council meeting, after a public hearing, determined that there is a need for an interim zoning ordinance to regulate the removal of significant trees, hereinafter defined, and adopted an interim zoning ordinance at said meeting by Ordinance No. 3865, AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SIGNIFICANT TREES, ADOPTING RESTRICTIONS ON REMOVAL OF PERIMETER TREES, ESTABLISHING PENALTIES FOR REMOVAL OF SIGNIFICANT TREES AND MODIFYING PORTIONS OF KIRKLAND ZONING CODE SECTIONS 115.75.3(k) and 95.15; and

WHEREAS, the Kirkland City Council at its May 20, 2003 Council meeting, after a public hearing, extended the interim zoning ordinance for an additional six months; and

WHEREAS, the Kirkland City Council at its November 18, 2003 Council Meeting, after a public hearing, extended the interim zoning ordinance for an additional six months; and

WHEREAS, the Kirkland City Council desires to extend the interim zoning ordinance for an additional six month period; and

WHEREAS, pursuant to RCW 35A.63.220, a public hearing was held prior to the adoption of this ordinance.

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

Section 1. The Kirkland City Council makes the following findings:

- a. The purpose of this Ordinance is to increase protection for significant trees, as defined in Section 5.860 of the Kirkland Zoning Code.
- b. Significant trees protect the general welfare of the City by (1) increasing air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen; (2) minimizing surface water runoff, soil erosion, land instability, sedimentation and pollution of waterways; (3) protecting against severe weather effects; (4) providing habitat, cover and food supply for fish and wildlife; and (5) contributing to the City's natural beauty and livability.

c. The City's goal is to ensure that there is sufficient protection for significant trees and that the value and benefit of significant trees are reflected in the City's ordinances and regulations.

d. The City is currently implementing a work plan to develop zoning code amendments that specifically addresses significant trees; and

e. Until a new, permanent Ordinance regarding significant trees can be implemented, there is a need for an interim ordinance that provides increased protection for significant trees.

f. The City Council finds that renewal or extension of Ordinance 3865 is necessary in order to prepare permanent regulations regarding significant trees.

Section 2. Ordinance 3865 is amended to renew its effect as an interim zoning ordinance for an additional six months. The interim zoning ordinance thereafter 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.

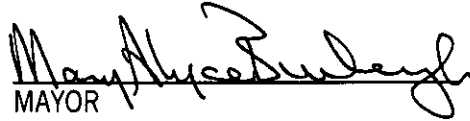
Section 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

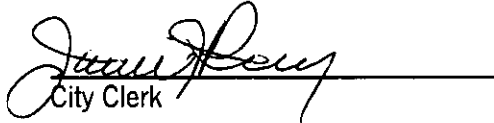
Section 5. Except as provided in Section 4, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 18th day of May, 2004.

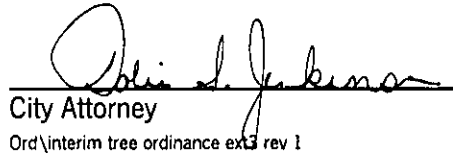
Signed in authentication thereof this 18th day of
May, 2004.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney
Ord\interim tree ordinance ext 3 rev 1