

ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING FILE NO. ZON15-00875, AND SETTING FORTH CONDITIONS OF APPROVAL.

1 WHEREAS, the Department of Planning and Building has
2 received an application, pursuant to Process IIB, for a preliminary and
3 final planned unit development (PUD) filed by Craft Architecture on
4 behalf of Astronics Corporation as Department of Planning and Building
5 File No. ZON15-00875 for a proposed office/manufacturing
6 development within a TL7B Zone known as Astronics ("Development");
7 and

8
9 WHEREAS, pursuant to the City of Kirkland's Concurrency
10 Management System, KMC Title 25, a concurrency application has been
11 submitted to the City of Kirkland, reviewed by the responsible Public
12 Works official, the concurrency test has been passed, and a concurrency
13 test notice issued; and

14
15 WHEREAS, pursuant to the State Environmental Policy Act,
16 RCW 43.21C, and the Administrative Guidelines and local ordinance
17 adopted to implement it, an environmental checklist was submitted to
18 the City of Kirkland, reviewed by the responsible official of the City of
19 Kirkland, and a determination of non-significance was issued; and

20
21 WHEREAS, the environmental checklist and determination have
22 been available and accompanied the application through the entire
23 review process; and

24
25 WHEREAS, the application was submitted to the Kirkland
26 Hearing Examiner who held a hearing on June 24, 2016; and

27
28 WHEREAS, the Kirkland Hearing Examiner, after her public
29 hearing and consideration of the recommendations of the Department
30 of Planning and Building, adopted certain Findings, Conclusions and
31 Recommendations and recommended approval of the Process IIB
32 Permit subject to the specific conditions set forth in those
33 recommendations; and

34
35 WHEREAS, the City Council, in open meeting, considered the
36 environmental documents received from the responsible official,
37 together with the recommendation of the Hearing Examiner; and

38
39 WHEREAS, the Kirkland Zoning Code requires approval of this
40 application for PUD to be made by ordinance.

41
42 NOW, THEREFORE, the City Council of the City of Kirkland do
43 ordain as follows:

44 Section 1. The Findings, Conclusions, and Recommendations of the
45 Kirkland Hearing Examiner ("Recommendations"), as signed by her and
46 filed in the Department of Planning and Building File No. ZON15-00875,
47 a copy of which is attached to this Ordinance as Exhibit A and
48 incorporated herein, are adopted by the Kirkland City Council.
49

50 Section 2. The City Council hereby approves the application for
51 a preliminary and final PUD, subject to the conditions set forth in the
52 Recommendations.
53

54 Section 3. The Process IIB Permit shall be issued to the
55 applicant subject to the conditions set forth in the Recommendations
56 adopted by the City Council.
57

58 Section 4. Nothing in this ordinance shall be construed as
59 excusing the applicant from compliance with any federal, state or local
60 statutes, ordinances or regulations applicable to this project, other than
61 expressly set forth herein.
62

63 Section 5. Failure on the part of the applicant to initially meet
64 or maintain strict compliance with the standards and conditions to which
65 the Process IIB Permit is subject shall be grounds for revocation in
66 accordance with the Kirkland Zoning Code.
67

68 Section 6. This ordinance shall be in force and effect five days
69 from and after its passage by the Kirkland City Council and publication
70 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
71 form attached to the original of this ordinance and by this reference
72 approved by the City Council.
73

74 Section 7. A complete copy of this ordinance, including
75 Findings, Conclusions and Recommendations adopted by reference,
76 shall be certified by the City Clerk, who shall then forward the certified
77 copy to the King County Department of Assessments.
78

79 Section 8. A certified copy of this ordinance, together with the
80 Findings, Conclusions, and Recommendations herein adopted shall be
81 attached to and become a part of the Process IIB Permit or evidence
82 thereof delivered to the applicant.
83

84 Passed by majority vote of the Kirkland City Council in open meeting
85 this 19th day of July, 2016.
86

87 Signed in authentication thereof this 19th day of July, 2016.


MAYOR

Attest:

Publication Date: July 25, 2016


City Clerk

Approved as to Form:

Kevin Raymond

City Attorney

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND DECISION**

APPLICANT: Craft Architecture on behalf of Astronics Corporation

FILE NO: ZON15-00875

APPLICATION:

Site Location: 13415 and 13425 141st Avenue NE

Request: A Planned Unit Development to provide offsite mitigation, outside of the property's drainage basin, for filling three onsite Type III wetlands

Review Process: Process IIB, Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, who makes a final decision

Key Issue: Using the Planned Unit Development process in the Kirkland Zoning Code to allow applicant participation in the King County In-Lieu Fee Mitigation Reserves Program as compensatory mitigation for filling three onsite Type III wetlands, rather than requiring mitigation onsite or within the same drainage basin as the subject property as required by Code

SUMMARY OF RECOMMENDATION:

Planning and Building Development Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the application on June 24, 2016, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing are available for public inspection in the Planning and Building Department. The Examiner visited the site following the hearing.

TESTIMONY

David Barnes, Project Planner testified at the public hearing. No members of the public attended the hearing. The testimony is summarized in the hearing minutes.

EXHIBITS

The following exhibits were entered into the record at the hearing:

- A. Department of Planning and Building Staff Report including 26 attachments
- B. Comment letter dated June 24, 2016 from the King County Division of Parks and Recreation

Hearing Examiner Decision
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FINDINGS, CONCLUSIONS AND RECOMMENDATION:

After reviewing the Department's Advisory Report and all attachments, the Examiner finds that the findings of fact in the Advisory Report are accurate, complete and supported by the record. The Examiner therefore adopts them by reference and adds the following:


A comment letter was received from the King County Division of Parks and Recreation on the date of the hearing. The comment letter advises that King County owns the properties adjoining the subject property on the east and west, which are expected to be part of a paved regional trail. The County suggests that in designing the project and clearing the site, the applicant consider any future needs for privacy, screening or other site security measures. The comment letter also provides information about the appropriate method for obtaining a permit for a connection from the subject property to the adjacent Eastside Rail Corridor.

The Conclusions set forth in the Department's Advisory Report are supported by the facts in the record, and are therefore adopted by reference.

Recommendation:

Based upon the adopted findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the PUD application, subject to the conditions set forth at pages 2 through 4 of the Department's Advisory Report.

Entered this 27th day of June, 2016.


Sue A. Tanner
Hearing Examiner

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with

any fees set by ordinance, to the Planning Department by 5:00 p.m., July 8, 2016, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

KZC Section 152.115 requires that the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

PARTIES OF RECORD:

Applicant
Department of Planning and Building
Department of Public Works

EXHIBIT A

Exhibit A, staff report and attachments, is available by going to the Hearing Examiner webpage for the June 24th 2016 meeting date. Exhibit A in its entirety is divided into five (5) parts.



King County

Department of Natural Resources and Parks
Division of Parks and Recreation
Property Management
King Street Center Building
201 South Jackson Street
Seattle, WA 98104-3855
206-477-477-9378

June 24, 2016

Mr. David Barnes, Planner
Planning and Building Department
City of Kirkland
123 5th Ave
Kirkland, WA 98033

RE: King County Parks and Recreation Division Comments on ZON15-875

Mr. Barnes,

This letter intends to provide comment on the subject notice of hearing and is submitted on behalf of King County Parks and Recreation Division. King County owns the adjoining properties to the east and west. These properties are considered in the Eastside Rail Corridor Master Plan, a current planning effort that includes early design for a paved regional trail on each property. Construction of the regional trails may also require our development of retaining walls and drainage facilities. After reviewing the proposed application and staff report we have the following comments:

1. A regional trail on the east and west boundary of this site will increase traffic, visibility and exposure to trail users, on-going maintenance, and periodic construction. While designing and clearing the subject site, consider and accommodate future on-site needs that the applicant may have for privacy, screening, or other site security.
2. The staff report identifies a requirement for development of a new connection from the subject site to the Eastside Rail Corridor (E.1.a.1. (d-f), pg 14). Access points, and connecting paths, within the property boundary of the Eastside Rail Corridor may be considered and reviewed through the King County Special Use Permit (SUP) process. A SUP is the method to request the use or alteration of King County property. A SUP is a temporary, revocable real estate license that King County Parks may approve, may approve with conditions, or may deny. The applicant

CITY OF KIRKLAND
Hearing Examiner Exhibit

Applicant _____
Department _____
Public _____


FILE # 2015-00875

B

is encouraged to coordinate with King County Parks in the near term regarding the potential for approval of a SUP, to meet the City's stated requirement.

Please contact me for additional information or discussion, heather.marlow@kingcounty.gov.

Sincerely,

A handwritten signature in black ink that reads "Heather Marlow". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Heather Marlow
Real Property Agent

PUBLICATION SUMMARY
OF ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING DEPARTMENT FILE NO. ZON15-00875, AND SETTING FORTH CONDITIONS OF APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Approves the application for a preliminary and final Planned Unit Development.

SECTION 3. Provides that after completion of final review of the PUD, the Process IIB Permit shall be issued and subject to the adopted Recommendations.

SECTION 4. Provides that the applicant is not excused from compliance with any federal, state or local statutes, ordinances or regulations applicable to the project, other than as expressly set forth in the Ordinance.

SECTION 5. Provides grounds for revocation of the Process IIB Permit.

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 and establishes the effective date as five days after publication of summary.

SECTION 7. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 8. Provides that the certified Ordinance and adopted Findings, Conclusions and Recommendations are part of the Process IIB Permit and shall be delivered to the applicant.

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 19th day of July, 2016.

I certify that the foregoing is a summary of Ordinance O-4526 approved by the Kirkland City Council for summary publication.


City Clerk