

ORDINANCE NO. 2898

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY PRUD AS APPLIED FOR BY C-21 PROPERTIES, INC. IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. S-III-85-16 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process III, for a Planned Residential Unit Development (PRUD) filed by C-21 Properties, Inc. as Department of Planning and Community Development File No. S-III-85-16 to construct a single-family subdivision within a RS 8.5 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meetings of July 2, July 25 and August 1, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2830 concerning environmental policy and the State Environmental Policy Act, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental checklist and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearings and consideration of the recommendations of the Department of Planning and Community Development and having available to them the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process III Permit subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission, as well as a timely filed challenge of said recommendations, and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PRUD to be made by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. S-III-85-16 are adopted by the Kirkland City Council as though fully set forth herein, and further recommended that if Forbes Creek Homeowners Association dedicate the existing street right-of-way and sidewalks through Forbes Creek Division I to the City of Kirkland by the close of business at Kirkland City Hall, December 31, 1985, the City will accept said right-of-way and sidewalks in present condition. The area to be dedicated to be defined as contained in the easement (recorded May 5, 1982, King County Recording # 8205060189), and adjacent sidewalks if not included in the aforementioned easement.

Section 2. After completion of final review of the PRUD, as established in Sections 126.76 through 125.85 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, the Process III Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process III Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. A certified copy of this Ordinance, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the Process III Permit or evidence thereof delivered to the permittee.

Section 6. Certified or conformed copies of this Ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

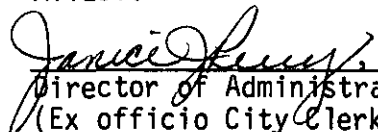
Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of September, 1985.

SIGNED IN AUTHENTICATION THEREOF on this 3rd day of September, 1985.



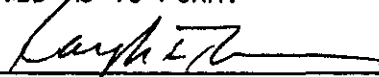
Mayor

ATTEST:



Deputy City Clerk/for
Director of Administration and Finance
(Ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

422C/242A/NC:br