

ORDINANCE NO. 2965

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY Chaffey Corporation IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SD-IIB-86-20 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary and Final Planned Unit Development (PUD) filed by Chaffey Corporation as Department of Planning and Community Development File No. SD-IIB-86-20 to construct a moorage facility and condominium "Chartwater" and associated parking within a WDIII zone.

WHEREAS, the application has been submitted to the Kirkland Hearing Examiner who held a hearing thereon at his regular meeting of June 19, 1986, and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

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

WHEREAS, the Houghton Community Council, after its courtesy hearing on May 27, 1986 and consideration of the staff recommendation, did recommend approval of the Process IIB permit subject to conditions which were incorporated into the Kirkland Hearing Examiner's recommendations.

WHEREAS, the Kirkland Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB 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 Hearing Examiner, and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD 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 Hearing Examiner as signed by him thereof and filed in the Department of Planning and Community Development File No. SD-IIB-86-20 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, the Process IIB 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 IIB Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective 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 6. Except as provided in Section 5, 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.

Section 7. 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 IIB/ Permit or evidence thereof delivered to the permittee.

Section 8. 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.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 4th day of August, 1986.

SIGNED IN AUTHENTICATION THEREOF on this 4th day of August, 1986.

*Rosie Cooper*  
Mayor

*Janece Perry* DEPUTY CLERK  
Director of Administration and Finance  
(Ex officio City Clerk)

APPROVED AS TO FORM:

*Acting* *Gail Gomp*  
City Attorney

3518C/23A/BK:d1c