

ORDINANCE NO. 3209

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY PUD AS APPLIED FOR BY PAN TERRA, INC., IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. S-IIB-89-19 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 Planned Unit Development (PUD) filed by Pan Terra, Inc., as Department of Planning and Community Development File No. S-IIB-89-19 to construct an 18-lot subdivision within a RS 35 zone.

WHEREAS, the application has been submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meetings of September 28, 1989, and January 11, 1990; 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 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 and filed in the Department of Planning and Community Development File No. S-IIB-89-19 are adopted by the Kirkland City Council as though fully set forth herein, and the City Council further finds that it is in the public interest to accept the offer by the permit applicant that he dedicate to the City those portions of the subject property identified in the development permit file as "regulated wetlands." We, therefore, conclude that the final plat drawing shall be appropriately revised, and an appropriate legal instrument to convey title to the wetland property shall accompany final City approval of the Subdivision of "Kirkland Acres."

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. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.010.

Section 6. 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 7. 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 City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 20th day of March, 1990.

SIGNED IN AUTHENTICATION THEREOF on this 20th day of March, 1990

Candy Burton
Mayor

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney