

ORDINANCE NO. 3388

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR BY CAMWEST DEVELOPMENT IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. S-IIB-93-9 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development received an application for preliminary subdivision, and, pursuant to Process IIB, for a Preliminary Planned Unit Development (PUD) filed by Camwest Development as Department of Planning and Community Development File No. S-IIB-93-9, to subdivide land into 28 single lots, with associated modifications, within an RS 8.5 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of July 29, 1993; 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 was 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 and preliminary subdivision, 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

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-93-9, are adopted by the Kirkland City Council as though fully set forth herein; provided that Recommendation f. is adopted as amended below:

- f. ~~Confirm with the Parks Department whether the proposed open space dedication is an acceptable fulfillment of open space/recreation obligations established by Section 4.75 of the Subdivision Ordinance. If the Parks Department does not accept the proposed dedication, the applicant shall pay to the City a sum of \$9,450.00 (\$350 per new lot created) to be placed within the "In-Lieu Park Open Space Fund."~~ Submit an instrument, acceptable to the City Attorney, which preserves the park and open space area in the center of the site in perpetuity for the benefit of the general public (see Exhibit A, Conclusion II.D.11.b).

and a new Recommendation h., is added as shown below:

- h. Dedicate an easement to allow possible future pedestrian corridor for connection to the Park and Ride, with location and dimensions satisfactory to the Department of Planning and Community Development.

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 and the preliminary subdivision is hereby given approval, both 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 resolution and the Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval

jurisdiction of the Houghton Community Council, and therefore, this resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within 60 days of the date of the passage of this resolution.

Section 6. Except as provided in 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.

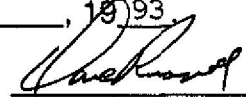
Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

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 City Clerk for the City of Kirkland.

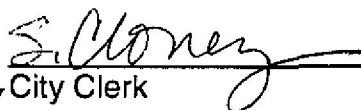
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 19th day of October, 1993.

SIGNED IN AUTHENTICATION THEREOF on this 19th day of October, 1993.



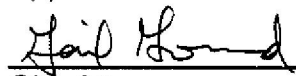
Mayor

Attest:



Deputy City Clerk

Approved as to Form:



City Attorney