

20060316000923

ORDINANCE NO. 4044

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND THAT PROPERTY COMMONLY KNOWN AS SHUMWAY MANSION, AND ALTERING THE SIGNIFICANT FEATURES OF THE SHUMWAY MANSION PROPERTY AS APPLIED FOR BY ROBERT KETTERLIN IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025.

WHEREAS, the City Council, on March 3, 1992, adopted Ordinance No. 3308 to rezone the entire Shumway Mansion property from RS 8.5 to RS 8.5 (HL) as well as to specify the significant features of the Shumway Mansion; and

WHEREAS, Ordinance No. 3308 was to place a historic landmark designation over the entire Shumway Mansion property;

WHEREAS, pursuant to Ordinance No. 3308, the entire Shumway Mansion property was designated as a significant feature pursuant to Chapter 75 of the Kirkland Zoning Code ("KZC"); and

WHEREAS, the Applicant, Robert Ketterlin ("Applicant"), has filed an application to: (1) alter the significant features of the Shumway Mansion property by reducing the amount of property designated as a significant feature; (2) rezone the property to reduce the size of the historic landmark overlay; (3) short plat the entire Shumway Mansion property into two lots so that one lot contains the Shumway Mansion ("Lot 1") and the other lot contains the remainder of the Shumway Mansion property ("Lot 2"); (4) create a PUD on Lot 1 and Lot 2; and (5) reduce stream and wetland buffers through enhancement (see Planning Department File No. ZON 04-00025); 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, who issued a determination of non-significance on this action; and

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

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who conducted a public hearing at a regular meeting on February 2, 2006; and

WHEREAS, the Kirkland Hearing Examiner after the 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;

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 her and filed in the Department of Planning and Community Development File No. ZON04-00025 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The significant features of the Shumway Mansion property are as follows:

1. The name Shumway Mansion
2. The external features of the Mansion
3. A book containing the history of the Mansion, including photographs, to be kept and maintained by the Kirkland Heritage Society
4. The entire site surrounding the Mansion described as follows (Lot 1 of Shumway 10 Short Plat):

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32;
 THENCE SOUTH 01°00'39" WEST ON THE WEST LINE OF SAID SECTION, 326.92 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
 THENCE SOUTH 88°41'14" EAST ON THE NORTH LINE OF SAID SUBDIVISION, 328.58 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;
 THENCE SOUTH 01°00'13" WEST ON THE EAST LINE OF SAID SUBDIVISION, 327.00 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION;
 THENCE NORTH 88°40'21" WEST ON THE SOUTH LINE OF SAID SUBDIVISION, 117.07 FEET TO THE POINT OF BEGINNING;
 THENCE NORTH 01°00'13" EAST, 133.03 FEET;
 THENCE NORTH 88°40'21" WEST, 211.54 FEET TO A POINT ON THE WEST LINE OF SAID SUBDIVISION;
 THENCE SOUTH 26°12'27" EAST ALONG THE EASTERLY MARGIN OF 100TH AVENUE NORTHEAST, 65.58 FEET;

THENCE SOUTH 01°00'21" WEST ALONG SAID
EASTERLY MARGIN, 74.88 FEET TO A POINT ON THE
SOUTH LINE OF SAID SUBDIVISION;
THENCE SOUTH 88°40'21" EAST ON THE SOUTH LINE
OF SAID SUBDIVISION, 181.56 FEET TO THE POINT OF
BEGINNING.

Section 3. This Ordinance supersedes Ordinance No. 3308 with respect to the designation of significant features on the Shumway Mansion property pursuant to Chapter 75.25.2 of the KZC.

Section 4. 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 5. 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 the KZC.

Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 7. 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 8. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 9. 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.

PASSED by majority vote of the Kirkland City Council
in open meeting this 7th day of March, 2006.

SIGNED IN AUTHENTICATION THEREOF on this
7th day of March, 2006.



Mayor

Attest:

Heidi Anderson
City Clerk

Approved as to Form:

Debra Jensen
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4044

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND THAT PROPERTY COMMONLY KNOWN AS SHUMWAY MANSION, AND ALTERING THE SIGNIFICANT FEATURES OF THE SHUMWAY MANSION PROPERTY AS APPLIED FOR BY ROBERT KETTERLIN IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025.

SECTION 1. Adopts the Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner filed in the Department of Planning and Community Development File No. ZON04-00025.

SECTION 2. Identifies the significant features of the Shumway Mansion.

SECTION 3. Provides that this Ordinance supersedes Ordinance No. 3308.

SECTION 4. Provides that the applicant must comply with all other applicable laws and regulations.

SECTION 5. Provides that failure to adhere to permit conditions is grounds for revocation of the Process IIB approval.

SECTION 6. Provides a severability clause for the Ordinance.

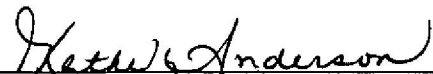
SECTION 7. Authorizes publication of this Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 8. Provides that a certified copy of this Ordinance will be sent to the King County Department of Assessments.

SECTION 9. Provides that a certified copy of this Ordinance will become part of the Process IIB approval.

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 7th day of March, 2006.

I certify that the foregoing is a summary of Ordinance 4044 approved by the Kirkland City Council for summary publication.



City Clerk

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