

RESOLUTION NO. 2169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN UNCLASSIFIED USE PERMIT AS REQUESTED BY WESTSIDE SERVICE CORPORATION, BEING PLANNING DEPARTMENT FILE NO. UUP-73-8-(H) IN REGARD TO THE GRADING AND FILLING OF AN 18 ACRE PARCEL LOCATED ADJACENT TO BRIDLE TRAILS STATE PARK, ALONG 116TH AVENUE N.E., AND SETTING FORTH CONDITIONS TO WHICH SUCH UNCLASSIFIED USE SHALL BE SUBJECT.

WHEREAS, the Kirkland Planning Department has received an application for Unclassified Use Permit, said application having been made by Westside Service Corporation, property owner or agent thereof, and assigned a Planning Department File No. UUP-73-8-(H), and

WHEREAS, said property as legally described in said application is zoned RM-3600, and

WHEREAS, pursuant to Chapter 23.30 of the Kirkland Zoning Code an Unclassified Use Permit is required for land fill and excavation to a depth of over three feet, and

WHEREAS, the application has been submitted to the Houghton Community Council and to the Kirkland Planning Commission who held public hearing thereon on February 6, 1973 and February 8, 1973, respectively, and

WHEREAS, pursuant to Chapter 23.30 of Ordinance 2183, the Kirkland Zoning Ordinance, both bodies have recommended approval of an Unclassified Use Permit subject to certain conditions hereinafter set forth, and

WHEREAS, both bodies have approved Findings, Conclusions and Conditions for issuance of an Unclassified Use Permit as follows:

1. FINDINGS

A. Proper application has been applied for as required by Chapter 23.30 of the Kirkland Zoning Ordinance No. 2183.

B. Notice of hearing as required was made.

C. The property for which the permit is requested is presently zoned RM 3600.

D. Section 23.30.080 requires, prior to the issuance of an Unclassified Use Permit, the determination of the following:

(1) The use requested shall be within the intent of the zoning ordinance, comprehensive plan and the public interest.

(2) The use requested shall demonstrate that it is consistent with the performance standards of Chapter 23.36 of Ordinance 2183.

(3) The use requested shall be on the basis of site plans showing existing and proposed conditions.

E. The entire 18 acres have been cleared of all vegetation with the exception of the larger evergreen trees.

F. The standards established by the Department of Ecology in regard to water quality do not allow water turbidity to increase five "jacks and candle units" over natural conditions.

G. Inspection of the site during moderate rainfall showed runoff to be turbid (muddy).

H. Section 23.36.040 of the Kirkland Zoning Code recognizes the jurisdiction of regional, state and federal water control regulations within the City and that the City should endeavor to keep on file for its use and the use of the public all current regulations issued by the various water quality control agencies. The regulations of the Department of Ecology in regard to water quality specifically cover water quality at the point of discharge from a parcel of property.

## 2. CONCLUSIONS

A. The requirements for grant of an Unclassified Use Permit as set forth in Finding D(1) and (3) appear to be met. The requirement set forth in Finding D(2) in the light of Findings F and G has not presently been met.

B. Inasmuch as the City has recognized the jurisdiction of other agency regulations as being applicable within the City of Kirkland, the City should, in consideration for issuance of Unclassified Use Permits, require the approval of such regulatory agencies as a condition of approval and issuance of such permit.

C. The property subject to application for this Unclassified Use Permit has been cleared of vegetation and the quality of runoff during rain is poor. This situation should be remedied as soon as possible, but the choice among satisfactory methods of remedy should be left to the applicant and his engineer and the work done pursuant to the Unclassified Use Permit should be subject to performance bond to insure and guarantee the adequacy of the remedy.

D. An Unclassified Use Permit should issue subject to the following conditions:

(1) That a professional engineer be retained to:

(a) Specify methodology to be used in guaranteeing water quality standards to five jacks and candle units at point of discharge in accordance with the standards adopted by the Department of Ecology.

(b) To provide the City with a statement concurred in by the Department of Ecology that the proposed methodology will be adequate to meet water quality standards.

(c) To determine which portions of the property will need hydroseeding if construction does not begin in the Spring of 1973 as indicated on

the application. Hydroseeding to be completed by September, 1973 if no construction of proposed building has occurred.

(d) To estimate the cost of items in subparagraphs (a) and (c) as proposed.

(2) That a bond be submitted to the City in an amount as estimated in Conclusions 1(d) above and that the grading permit required by Chapter 70 of the Uniform Building Code (Chapter 21.08 Kirkland Municipal Code) shall not issue until all of the above conditions have been satisfactorily completed.

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

Section 1. Acting pursuant to Section 23.30.070 of Ordinance 21.83, the Kirkland Zoning Code, the Kirkland City Council hereby adopts the Findings, Conclusions, Recommendations and Conditions imposed by the Planning Commission and the Houghton Community Council as set forth above.

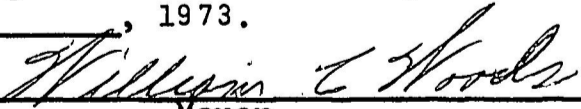
Section 2. The Unclassified Use Permit applied for by Westside Service Corporation shall issue, subject to the performance standards and other conditions of approval as set forth hereinabove and included by reference in the foregoing Findings. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance 2183.

Section 3. A certified copy of this Resolution shall be delivered to the permittee or applicant and conformed copies shall be filed with the following City of Kirkland Departments:


1. Department of Administration and Finance
2. Department of Community Development (Planning)
3. Department of Public Services
4. The Building Department
5. The Police Department
6. The Department of Fire Services.

Section 4. Notwithstanding the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Unclassified Use Permit herein granted are, pursuant to Ordinance No. 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 sixty days from the date of the passage of this Resolution.

ADOPTED in regular meeting of the Kirkland City Council on the 20th day of February, 1973.

  
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Mayor

Attest:

  
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Director of Administration and Finance  
(ex officio City Clerk)