

RESOLUTION NO. R-3040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE QUASI-JUDICIAL PROJECT REZONE PROVISIONS OF CHAPTER 23.130 OF THE KIRKLAND ZONING CODE, ORDINANCE 2740 AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-83-45 BY RICHARD AND SALLI HARRIS TO PLACE A "HL" OVERLAY ZONE OVER AN RS 12.5(S) ZONE TO RELOCATE THE SHUMWAY HOUSE AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID RELOCATION, PLACE AN "HL" OVERLAY ZONE ON THE PROPERTY.

WHEREAS, the Department of Planning and Community Development has received an application filed by Richard and Salli Harris as agents for the owner of the property described in said application requesting a permit to develop said property in accordance with the Quasi-Judicial Project Rezone procedure established in Chapter 130 of Ordinance 2740, as amended; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their special meetings of July 26 and August 2, 1983; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473, as amended concerning environmental policy, and the State Environmental Policy Act, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative declaration with conditions reached; and

WHEREAS, the Kirkland Planning Commission, after their public hearing and consideration of the recommendations of the Department of Planning and Community Development, the Houghton Community Council, and having available to them the environmental checklist and negative declaration, did adopt certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed intent to adopt an overlay zone pursuant to Chapter 75 and 130 of Ordinance 2740, as amended, all subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the Findings of Fact, Conclusions and Recommendations of the Planning Commission and the testimony received during a public hearing before City Council on the 6th day of September 1983.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-83-45 are hereby adopted by the Kirkland City Council as though fully set forth herein, with the exception of Conclusion 2 on page 9.

Section 2. A Development Permit, pursuant to Section 130.65 of Ordinance 2740, as amended, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request to place an "HL" Overlay zone on the subject property, pursuant to the provisions of Chapters 75 and 130 of Ordinance 2740, as amended, and the Council pursuant to Section 130.65 shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this Resolution, including those adopted by reference, have been met; provided, however, that the applicant must begin the development activity, use of land or other actions approved by this Resolution within one year from the date of enactment of this Resolution, or the approval herein given becomes void.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed development project, other than as expressly set forth herein.

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. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance.

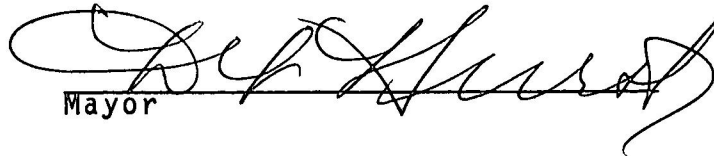
Section 7. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

Section 8. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) The applicant
- (b) Department of Planning and Community Development of the City of Kirkland
- (c) Fire and Building Department for the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) Project and Construction Management Division of Public Works Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

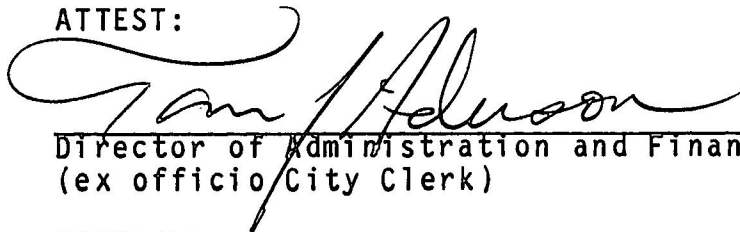
PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 6th day of September, 1983.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of September, 1983.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

5322B/bk