

RESOLUTION NO R - 3686

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND SHORELINE CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO SCUP-SD-IIB-91-12, BY CITY OF KIRKLAND, DEPARTMENT OF PARKS AND RECREATION BEING WITHIN A WDII ZONE, AND A CONSERVANCY I SHORELINE ENVIRONMENT, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT

WHEREAS, the Department of Planning and Community Development has received an application for a Substantial Development Permit filed by City of Kirkland, Department of Parks and Recreation, the owner of said property described in said application and located within a WDII zone, and

WHEREAS, The application has been submitted to the Kirkland Hearing Examiner who held public hearing thereon at his regular meeting of April 24, 1991, 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 determination of nonsignificance issued, 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 including 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 Substantial Development Permit and Shoreline Conditional Use 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, as well as a timely filed challenge of said recommendation

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 Hearing Examiner as signed by him and filed in the Department of Planning and Community Development File No SCUP-SD-IIB-91-12 are adopted by the Kirkland City Council as though fully set forth herein, except Conclusion IIB regarding the public access pier, which is remanded back to the Hearing Examiner for further consideration

Section 2 The Substantial Development Permit and Shoreline Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council, except as to the public access pier approval which shall be reserved pending subsequent recommendation by Hearing Examiner

Section 3 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 this project, other than expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971 Construction pursuant to the Substantial Development Permit and Shoreline Conditional Use Permit shall not begin or be authorized until 30 days from the date of filing as defined in RCW 90 58 140(6) and WAC 173-14-090 or until all review proceedings initiated within 30 days from the date of such filing have been terminated, except as provided in RCW 90 58 140(5)(a)(b)(c)

Section 4 Failure on the part of the holder of the Substantial Development Permit and Shoreline Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with RCW 90 58 140(8) The local procedure for revocation shall substantially follow the procedure set forth in Section 170 50 of Ordinance 2740, as amended

Section 5 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 Substantial Development Permit and Shoreline Conditional Use Permit or evidence thereof delivered to the permittee

Section 6 Certified or conformed copies of this Resolution shall be delivered to the following

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Department of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland
- (e) The Department of Ecology for the State of Washington
- (f) The Office of the Attorney General for the State of Washington

ADOPTED in regular meeting of the City Council on the 16th day of July, 1991

SIGNED IN AUTHENTICATION THEREOF on the 16th day of July, 1991

Candy Scotton
Mayor

ATTEST
Jane Johnson
City Clerk