

RESOLUTION NO. R- 4100

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-97-34 BY GTE WIRELESS COMMUNICATIONS BEING WITHIN A RS 8.5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by GTE Wireless Communications, representing the owner of said property described in said application and located within RS 8.5 zone.

WHEREAS, pursuant to the State Environmental Policy Act, RCW 4321C, 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 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 application has been submitted to the Hearing Examiner who held hearing thereon at his its regular meeting of July 24, 1997; and

WHEREAS, the 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 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 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, conclusion, and recommendation of the Hearing Examiner and filed in the Department of Planning and Community Development File No. IIB-97-34 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Kirkland City Council hereby makes the following supplemental findings and conclusions in addition to the findings, conclusions, and recommendations adopted in Section 1 of this resolution:

- (a) The proposed monopole will not impact the surrounding neighborhood, because the monopole will be screened by the existing trees and the church that is on the site.
- (b) The applicant's proposal is not inconsistent with the City of Kirkland Comprehensive Plan. The record before the Council reflects concerns raised by citizens that the City has not complied with certain Comprehensive Plan policies regarding wireless communication facilities. To the extent there are instances where the City has not met Comprehensive Plan policies, it would be inappropriate for the City Council to deny an application on that basis, since those issues are within the control of the City and not the applicant.

(c) The City has, in the past, when evaluating whether a variance is necessary, taken into account the proposed use of property. In keeping with the City's past practice, the Council finds that it is appropriate to assess the necessity of the height variance for use of the site as a wireless communications facility. The record reflects that the topography of the area, the presence of trees and vegetation on the property and the existence of a sound wall separating the property from Interstate 405 make it unfeasible for the applicant to operate a wireless communication facility without a height variance. The record further reflects that a height variance for a 40-foot-high monopole is necessary for use of the property as a wireless communication facility.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, 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 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendation 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 or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, 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.

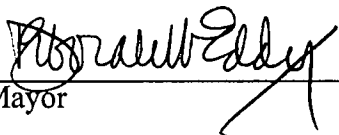
Section 7. A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

Section 8. 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 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 on the 7th day of October, 1997.

SIGNED IN AUTHENTICATION thereof on the 7th day of October, 1997.



Mayor

Attest:


City Clerk