

RESOLUTION NO. R- 4541

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. ZON05-00016 BY CHARLES ROSINSKI BEING WITHIN A PLA 17 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development received an application for a Process IIB permit, filed by Charles Rosinski, the owner of the property described in said application and located within PLA 17 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guidelines and local ordinance adopted to implement it, this action is exempt from the environmental checklist process; and

WHEREAS, the application was submitted to the Hearing Examiner who held hearing thereon at his regular meeting of September 1st, 2005; and

WHEREAS, the Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development adopted certain Findings, Conclusions, and Recommendations and denied the Process IIB permit; and

WHEREAS, the City Council, at its regular December 13, 2005, meeting, considered the recommendation of the Hearing Examiner, as well as a timely filed challenge of said recommendation; and

WHEREAS, the City Council remanded the matter to the Hearing Examiner with directions to reopen the hearing and provide answers to certain questions and additional analyses related to those questions; and

WHEREAS, after reviewing the questions and the Kirkland Zoning Code the Hearing Examiner changed his recommendation to recommend approval of the Process IIB permit subject to the specific conditions set forth in his recommendation; and

WHEREAS, the City Council, at its regular February 7th, 2006, meeting, considered the recommendation of the Hearing Examiner; and

WHEREAS, the City Council remanded the matter to the Hearing Examiner with directions to reopen the hearing, take in additional evidence, and consider specific questions from the City Council; and

WHEREAS, the Hearing Examiner after reopening the hearing, taking in additional evidence, and considering specific questions, drafted a response memo for City Council's consideration; and WHEREAS, the City Council, in

regular meeting, considered the response of the Hearing Examiner, following remand.

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

Section 1. The December 28, 2005, findings, conclusion, and recommendation of the Hearing Examiner which recommended approval of the reasonable use application and the alternative proposal to reduce the impact on the wetland buffer considered in the Hearing Examiner's March 20, 2006, Response to Remand (filed in the Department of Planning and Community Development File No. ZON05-00016) are both adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

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 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. 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 6. 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 7. 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 in open meeting of the Kirkland City Council on the 2nd day of May, 2006.

SIGNED IN AUTHENTICATION thereof on the 2nd day of May, 2006


Mayor

Attest:


City Clerk