



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Désirée Goble, Planner
Eric Shields, Planning Director

Date: May 31, 2016

Subject: Bridlestone Estates Rezone and Subdivision

QUASI-JUDICIAL

RECOMMENDATION

Staff recommends that the Council consider the quasi-judicial matter pending for the proposed Bridlestone Estates rezone, preliminary subdivision and multiple sensitive area decisions application and consider the ordinance. The ordinance could be amended on Council direction.

1. Based on the record City Council should consider one of the three alternatives to either:
 - Grant the application as recommended by the Hearing Examiner;
 - Modify and grant the application; or
 - Deny the application.
2. Alternatively, if the Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision on the application, the Council may, by motion, remand the matter to the Hearing Examiner with directions to reopen the hearing and provide supplementary findings and conclusions on the matter or matters specified in the motion.

RULES FOR CITY COUNCIL CONSIDERATION

The Council shall consider the application based on the record before the Hearing Examiner, the recommendation of the Hearing Examiner, the challenge to the recommendation, the response to the challenge to the recommendation, and the e-mails from the Challenger and Applicant identifying their concerns regarding the oral statements made to Council on May 3, 2016.

BACKGROUND DISCUSSION

Council Meeting

At the May 3, 2016 Council meeting, staff provided a presentation to Council regarding the Bridlestone Estate Rezone and Subdivision. The Challenger and Applicant also made presentations. The Challenger provided a handout to Council and Staff (see Enclosure 1). Following is a link to the Council memo and enclosures from the [May 3, 2016 Council Meeting \(Agenda Item 11A\)](#). Both the challenger and applicant had concerns regarding new information being introduced during their respective oral statements. Council allowed the challenger and applicant one day to provide a written summary of their concerns about the other's presentation, and each did (See Enclosure 2 and 3).

ENCLOSURES

- 1) Challenger's Handout
- 2) Applicant's response to Challenger's oral statements and handouts
- 3) Challenger's response to Applicant's oral statements
- 4) Ordinance 4516
- 5) Hearing Examiner Recommendation and Exhibits
- 6) Legal Description

A PORTION OF THE W. 1/2 OF THE SW. 1/4, SEC. 16, TWP. 25 N., RGE 5 E., W.M.



BUILDING SETBACK (BSBL) CHART

FRONT	20'
REAR	10'
SIDE	10' TOTAL BETWEEN LOTS (20' MIN.)





11228 Woodbridge Professional Bldg
Suite 4 • Shelton, WA 98587
P: 360.221.7100 • F: 360.221.7101
www.commercial.com

PRELIMINARY PLAT

KLN CONSTRUCTION, INC.

BRIDLESTONE ESTATES

CITY OF KIDLAND, WASHINGTON

<p>DATE: _____</p> <p>REVISION NO. _____</p> <p>NO. OF SHEETS: _____</p> <p>PROJECT: BRIDLESTONE ESTATES</p> <p>OWNER: KLN CONSTRUCTION, INC.</p> <p>DESIGNED BY: _____</p> <p>PREPARED BY: _____</p> <p>SCALE: 1" = 50'</p>	<p>PRELIMINARY</p>  <p>THIS SET PLAT CREATED UNDER AND TO THE ORDER OF: 13-097</p> <p>DATE: 11-14</p>
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Kirkland Criteria for Horse Keeping

KZC 115.20(5) provides:

(d)(1) The applicant must provide a suitable barn to house the horses setback from adjoining lots a minimum of 40 feet, and must maintain it in a clean condition. The City may permit barns to extend into the property line in common with the abutting property; provided, that:

- i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
- ii) The barn complies with all other regulations pertaining to setbacks in that zone.

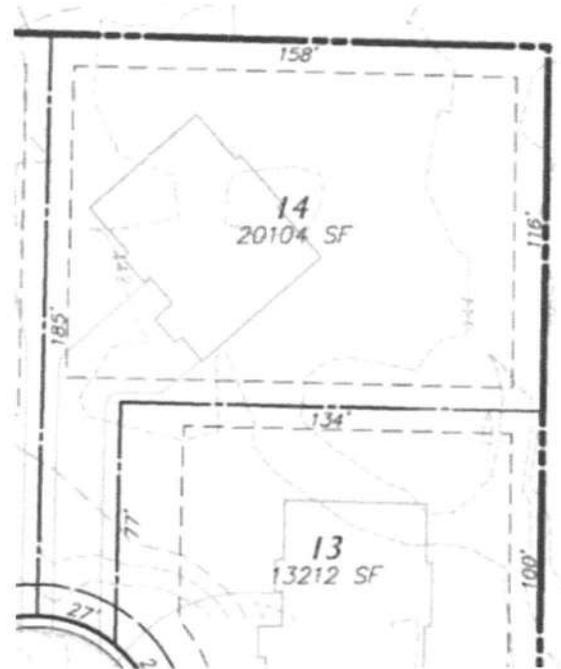
(e)(2)(a) Size – Each lot must contain an area of at least 14,500 square feet capable of being used as a horse paddock area and configured to meet the following standards:

- i) The paddock must be designed in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.
- ii) Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.

(e)(2)(b) Setbacks – Paddocks must be a minimum of 20 feet from each property line. The City may permit horse paddocks to extend into the property line in common with the abutting property; provided, that:

- i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
- ii) The paddock complies with all other regulations pertaining to setback in that zone.

Lot #14 – 20,104 square feet



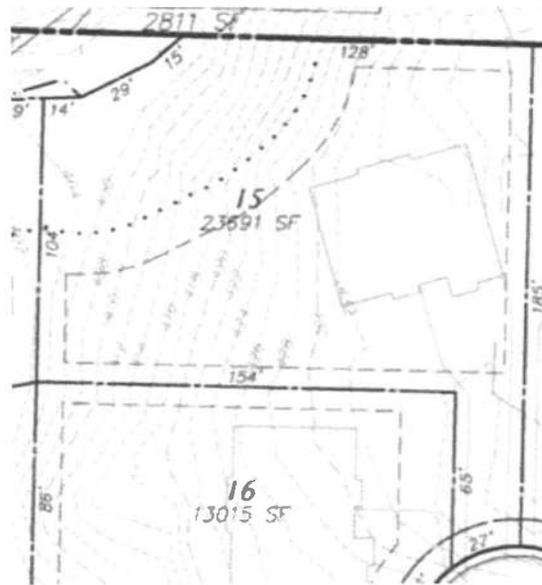
Narrow Access = 1,764 square feet

Actual usable area = 18,340 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #15 – 23,691 square feet

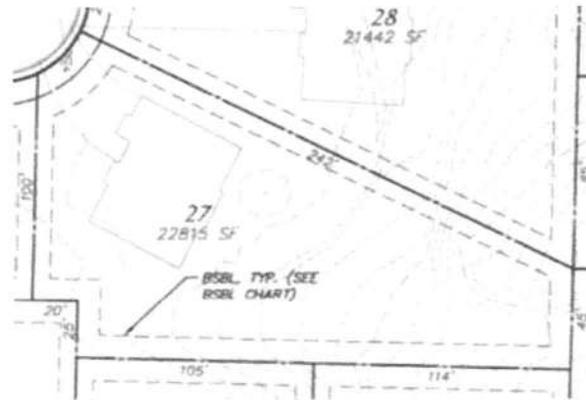


Narrow Access = 1,488 square feet
Wetland Buffer = 4,809 square feet
Actual usable area = 17,394 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #27 – 22,815 square feet



Narrow frontage = 4,701 square feet

Actual usable area = 18,114 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #28 – 21,442 square feet



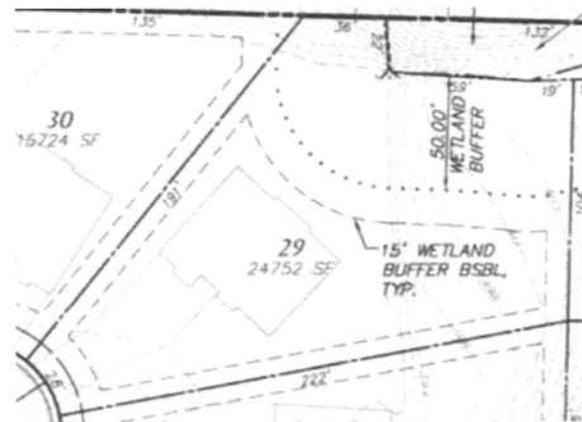
Narrow frontage (area forward of the house) = 5215 square feet

Actual usable area = 16,997

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #29 – 24,752 square feet



Wetland buffer = 6891 square feet

Narrow frontage = 4207 square feet

Actual usable area = 13,654 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Lot #33 – 22,866 square feet



Wetland buffer = 9,167 square feet

Actual usable area = 13,699 square feet

Does not meet criteria for horse keeping (KZC 115.20(5)(d)&(e)):

- No barn
- No adequate paddock area (min 14,500 square feet of contiguous area paddock area)
- No access to potential paddock/barn area that meets code requirements

Kevin Raymond

From: Brian Holtzclaw <brian@village-life.net>
Sent: Wednesday, May 04, 2016 4:36 PM
To: Kevin Raymond
Subject: Bridlestone Estates
Attachments: SKMBT_C552D16050409140.pdf

Mr. Raymond (and Council members),

This email is to, among other things, follow up on KLN's objection to the purported "illustrative" exhibit introduced last night by the Challengers.

KLN's objection is threefold.

First, members of the public testified generally at the public hearing before the Examiner on March 9th that lots within Bridlestone Estates could not meet the City's code requirements for horse keeping. However, no specific analysis/information to support that contention was submitted into the public record during the open record hearing. KLN pointed out to the Examiner that 6 proposed lots were over 20,000 square feet on which the City's requirements for horse keeping could potentially be met. Based on the information presented into the record, the Examiner concluded that "[a]s the subdivision is presently configured, it may be possible for a few lots to support horse keeping." HE Recommendation, C.5. at page 3. The exhibit introduced last night appears to be new substantive analysis by Challengers to refute the Examiner's findings and conclusions. The time for submitting such evidence was during the open record hearing. This exhibit is substantive, not illustrative, and therefore should be precluded from the Council's closed record consideration of this matter.

Second, the exhibit asserts that on 6 proposed lots the City's requirements cannot be met based on the house footprints shown on the preliminary plat. However, as I stated in my April 1st letter responding to the Challenge, those footprints are conceptual and do not represent what may actually be built on each lot. Accordingly, those footprints fail to demonstrate that the City's requirements for horse keeping could not be met on those lots. (Specific building plans for individual lots have not yet been identified. How a lot will be graded and how it could be laid out to support horse keeping cannot be known until building plans are selected and then reviewed by the City through the extensive building permit process. That is an entirely separate process that follows preliminary plat approval.)

Third, as I pointed out in my comments to the Council last night and in my April 1st letter, whether the City's code requirements for horse keeping can be met on any lots within Bridlestone Estates is irrelevant to determining whether the rezone criteria are satisfied because the Comprehensive Plan and Bridle Trails Neighborhood Plan (BTNP) do not require lots in this area along 116th to be of sufficient size for horse keeping (unlike other areas where this is specifically required by the BTNP, as I pointed out last night).

For these reasons, KLN respectfully renews its objection to the introduction of the Exhibit (at least pages 6-8 of the exhibit that includes Challengers' lot specific analysis) and asks that it be stricken from the Council's consideration of this matter.

Also, Ms. Lawrence interrupted my rebuttal testimony to object to my statements about the property owners' decisions to shut down their equestrian facilities previously operated on some of the parcels that are part of the Bridlestone Estates proposal. As I stated last night, the information in the record from those property owners supporting my testimony is found at Exhibits E (Declaration from Michael Crooks) and pages 16-17 of Exhibit C (March 4, 2016 email from Andrea Lorig, which I erroneously referred to in my April 1st letter as Exhibit L) from the Hearing Examiner proceeding (copies of which are attached).

Finally, I would like to make a point of clarification and additional objection for the record regarding last night's hearing. I understood from your correspondence prior to the hearing (your email dated April 12, 2016 to Ms. Lawrence and me) that the Council had decided to allow Applicant and the Challengers 10 minutes each to present argument to the Council and that Ms. Lawrence, one of the identified Challengers, was going to be speaking on behalf of the Challengers. However, the bulk of the Challengers' presentation last night was given by Andy Held. Mr. Held is not identified as one of the Challengers in the March 28, 2016 Challenge and was not identified last night as legal counsel representing the Challengers. (Mr. Held is a party of record from the Hearing Examiner proceeding but was not one of the named Challengers. The persons bringing the Challenge were Amy Supple, Jim Erckmann, Jennifer Duncan (individually and on behalf of the Lake Washington Saddle Club), Suzanne Kagen and Ms. Lawrence.) The Council stated at the outset of the meeting that the Bridlestone Estates matter was a closed record, quasi-judicial proceeding for which public testimony was not allowed. Given that Mr. Held is neither a Challenger nor legal counsel representing the Challengers, his testimony last night constituted public comment that should not have been allowed. KLN therefore objects to Mr. Held's testimony as it was public comment from a member of the public other than the identified Challengers and should have been prohibited.

Best regards,

B

Brian L. Holtzclaw
General Counsel

KLN Construction, Inc.
(425) 478-7453 (cell)
(425) 778-4111 ext. 108 (office)
www.villagelifecommunities.com



Desiree Goble

From: Molly Lawrence <mol@vnf.com>
Sent: Wednesday, May 04, 2016 8:48 PM
To: Kevin Raymond
Cc: Desiree Goble; 'brian@village-life.net'; Suzanne and Chris Kagen (kagen_family@msn.com); jim.erckmann2@gmail.com; aksupple@hotmail.com; 'Jennifer Duncan'
Subject: Bridlestone Estates Rezone and Subdivision Application, SUB 15-00572

Dear Mr. Raymond,

I am writing on behalf of the Challengers (myself, Suzanne Kagen, Jim Erchmann, Jennifer Duncan and Amy Supple) regarding the above-referenced rezone and subdivision application. During last night's City Council meeting, the Council agreed that each party could submit written comments within twenty four (24) hours regarding any objection made during the either party's presentation on the grounds that the information provided was outside the record. This email is intended as the Challengers' brief submittal.

First, we object to KLN's assertion during last night's Council meeting that the previous property owners had independently decided to close their commercial boarding facilities prior to being approached by KLN to purchase and redevelop their properties. Review of the Declaration of Michael Crooks (Exhibit E to the Hearing Examiner's Recommendation) and the comments from Andrea Lorig (Exhibit T to the Hearing Examiner's Recommendation) do not support KLN's assertion. Neither Mr. Crooks nor Ms. Lorig state that their decisions to close their commercial stable facilities were independent of KLN's offer to purchase their properties. To the contrary, Mr. Crooks states only that he shut down his facility *prior to closing the sale* of the property, which occurred on September 1, 2015. By comparison, KLN submitted the subject application on March 28, 2015, approximately six months earlier. Similarly, Ms. Lorig does not state that her decision to close her facility was independent of KLN's offer to purchase her property. Instead, her statement explains her decision to sell and personal opinion that "the cost of land and construction are such that they do not encourage equestrian use." Absent KLN's efforts to redevelop, some or all of the pre-existing commercial equestrian facilities may have remained. (Indeed, as I explained during my testimony before the Hearing Examiner, my horse and I were first required to vacate the Crooks' property at closing; until then, the Flicka Farms commercial boarding facility remained open and in operation.) We maintain that the statements of two prior property owners interested in selling their properties to KLN are not representative or reflective of the interests of the Kirkland community generally, or the Bridle Trails community more specifically.

Second, KLN objected to our providing the Council with a demonstrative exhibit including their preliminary plat plan, a summary of the relevant provisions from KZC 115.20(5), and a brief explanation of why each of the six lots that KLN asserts could be utilized for horse-keeping do not in fact meet the applicable code requirements. All of the information included on this exhibit was derived from the Applicant's subdivision layout plan together with the City Code. There is no new evidence included. This demonstrative exhibit shows plainly that none of the lots within the proposed subdivision, including the six lots larger than 20,000 sqft, have been designed in a manner that will permit horse keeping under the City's Zoning Code. As proposed, the development simply is not equestrian oriented as contemplated by the Bridle Trails Neighborhood Plan.

Thank you in advance for your consideration of these comments. Please feel free to contact me if you have any questions or comments regarding this email submittal.

Sincerely,
Molly Lawrence
On behalf of the Challengers

Kevin Raymond

From: Molly Lawrence <mol@vnf.com>
Sent: Thursday, May 05, 2016 12:05 PM
To: Kevin Raymond
Cc: brian@village-life.net
Subject: RE: Bridlestone Estates

Thank you Kevin. For purposes of the record, I believe it is important to note that the Challengers contest the Applicant's objections, particularly the new objection raised regarding Mr. Held. As Mr. Held explained, he was speaking on behalf of the Challengers. I am unaware of any restriction in the City's regulations limiting the Challenger's representative to a lawyer; we regularly use land use planners, rather than attorneys, as party representatives before local jurisdictions. Mr. Held's participation was comparable. He did not provide any new evidence not already in the record.

Obviously, we have responses to each of the applicants other objections as well, but will withhold (without waiver) those for the time being unless requested by the City.

Thank you.
Molly Lawrence
For the Challengers

From: Kevin Raymond [mailto:KRaymond@kirklandwa.gov]
Sent: Thursday, May 05, 2016 9:03 AM
To: Molly Lawrence
Cc: brian@village-life.net
Subject: Fwd: Bridlestone Estates

Brian, thank you for your email. Molly, this is for your information only. Brian gave me permission to forward this to you. The City Council does not require anything further from the parties at this time.

Thanks.

Kevin

Sent from my iPhone

Begin forwarded message:

From: Brian Holtzclaw <brian@village-life.net>
Date: May 4, 2016 at 4:35:49 PM PDT
To: Kevin Raymond <KRaymond@kirklandwa.gov>
Subject: Bridlestone Estates

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Best regards,

B

Brian L. Holtzclaw

General Counsel

KLN Construction, Inc.

(425) 478-7453 (cell)

(425) 778-4111 ext. 108 (office)

www.villagelifecommunities.com

ORDINANCE O-4516

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND APPROVAL OF A REZONE, PRELIMINARY SUBDIVISION, AND MULTIPLE SENSITIVE AREA DECISIONS AS APPLIED FOR BY KLN CONSTRUCTION, INC. IN DEPARTMENT OF PLANNING AND BUILDING FILE NOS. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, SAR15-00580 AND SETTING FORTH CONDITIONS OF APPROVAL.

1 WHEREAS, the Department of Planning and Building received
2 an application, pursuant to Process IIB, for a Rezone ("REZ"),
3 Preliminary Subdivision ("SUB"), and multiple Sensitive Area Decisions
4 ("SAR") as filed by KLN Construction, Inc. ("Applicant") for a 35 lot
5 development within a Single-Family Residential (RS/R SX) 35 zone
6 known as Bridlestone Estates Rezone and Subdivision ("Development").
7 The application is contained in Department of Planning and Building File
8 Nos. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, and
9 SAR15-00580 (collectively, "Application"); and

10
11 WHEREAS, pursuant to the City of Kirkland's Concurrency
12 Management System, Kirkland Municipal Code Title 25, a concurrency
13 application was submitted to the City of Kirkland ("City"), reviewed by
14 the responsible Public Works official, the concurrency test applied for
15 and successfully passed, and a concurrency test notice issued; and

16
17 WHEREAS, pursuant to the State Environmental Policy Act,
18 chapter 43.21C RCW, and the Administrative Guidelines and local
19 ordinance adopted to implement it, an environmental checklist was
20 submitted to the City, reviewed by the responsible official of the City,
21 and a determination of non-significance was issued; and

22
23 WHEREAS, the environmental checklist and determination have
24 been available and have accompanied the Application through the entire
25 review process; and

26
27 WHEREAS, the Application was submitted to the Kirkland
28 Hearing Examiner who held a hearing on March 9, 2016; and

29
30 WHEREAS, the Kirkland Hearing Examiner after her public
31 hearing and consideration of the recommendations of the Department
32 of Planning and Building adopted Findings, Conclusions and
33 Recommendation dated March 16, 2016 ("Recommendation")
34 recommending approval of the Application and issuance of a Process IIB
35 Permit subject to the specific conditions set forth in the
36 Recommendation; and

37
38 WHEREAS, the City Council, in a regular meeting, considered
39 the environmental documents received from the responsible official of
40 the City, together with the Recommendation of the Hearing Examiner
41 and the record developed in connection with the March 9, 2016 hearing;
42 and

43 WHEREAS, the Section 130.45 of the Kirkland Zoning Ordinance
44 requires approval of the application for a rezone to be made by
45 ordinance,
46

47 NOW, THEREFORE, the City Council of the City of Kirkland do
48 ordain as follows:
49

50 Section 1. The Findings, Conclusions, and Recommendation of the
51 Kirkland Hearing Examiner dated March 16, 2016 and filed in Department of
52 Planning and Building File Nos. REZ15-00575, SUB15-00572, SAR15-
53 00573, SAR15-00574, and SAR15-00580, a copy of which is attached to
54 this ordinance as Exhibit A and incorporated herein by this reference,
55 are adopted by the Kirkland City Council.
56

57 Section 2. The City Council approves the Application for a rezone
58 preliminary subdivision, and multiple sensitive area decisions subject to
59 the conditions set forth in the Findings, Conclusions, and
60 Recommendation referenced in Section 1 of this ordinance.
61

62 Section 3. The Process IIB Permit shall be issued to the Applicant
63 subject to the conditions set forth in the Findings, Conclusions, and
64 Recommendations adopted by the City Council in Section 1 of this
65 ordinance.
66

67 Section 4. The real property within the city of Kirkland and
68 described in more detail in Exhibit B to this ordinance is rezoned from
69 RS 35 and RSX 35 to RS 12.5. Exhibit B is incorporated herein by this
70 reference.
71

72 Section 5. The Director of the Planning and Building Department
73 is directed to amend the official Kirkland Zoning Map, Ordinance No.
74 2699, as amended, to conform with this ordinance, indicating thereon
75 the date of ordinance adoption. Copies of this ordinance shall be filed
76 with the Planning and Building Department and the office of the City
77 Clerk.
78

79 Section 6. Nothing in this ordinance shall be construed as excusing
80 the Applicant from compliance with any federal, state or local statutes,
81 ordinances or regulations applicable to this Application, other than
82 expressly set forth in this ordinance.
83

84 Section 7. Failure on the part of the Applicant as the holder of the
85 Process IIB Permit issued hereby to meet and maintain strict compliance
86 with the standards and conditions to which the Process IIB Permit is
87 subject shall be grounds for revocation in accordance with Ordinance
88 No. 3719, as amended, the Kirkland Zoning Ordinance.
89

90 Section 8. This ordinance shall be in full force and effect five (5)
91 days from and after its passage by the City Council and publication
92 pursuant to Kirkland Municipal Code 1.08.017, in the summary form
93 attached to the original of this ordinance and by this reference approved
94 by the City Council as required by law.
95

96 Section 9. A complete copy of this ordinance, including the
97 Findings, Conclusions and Recommendation adopted by reference, shall

96 be certified by the City Clerk, who shall then forward a certified copy
97 thereof to the King County Department of Assessments.

98
99 Section 10. A certified copy of this ordinance, together with the
100 Findings, Conclusions, and Recommendation adopted by reference,
101 shall be attached to and become a part of the Process IIB Permit
102 provided to the Applicant as permittee.

103
104 Passed by majority vote of the Kirkland City Council in open
105 meeting this _____ day of _____, 2016.

106
107 Signed in authentication thereof this _____ day of
108 _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

RECEIVED

MAR 18 2016

AM PLANNING DEPARTMENT PM

BY _____

CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION

APPLICANT: Cher Anderson, KLN Construction, Inc.

FILE NO: SUB15-00572

APPLICATION:

1. Site Location: 4600 – 4646 116th Avenue NE
2. Requests: The applicant requests approval of a rezone and preliminary subdivision as follows:
 - a. Rezone the 17.59 acre subject property from RS/RSX 35 (single-family residential, minimum lot size of 35,000 square feet (s.f.)) to RS 12.5 (single-family residential, minimum lot size of 12,500 s.f.).
 - b. Subdivide the property into 35 lots for construction of single-family homes. Access to the lots will be provided via a new public access road off of 116th Avenue NE.
 - c. Fill and “paper fill” a portion of a wetland to provide vehicular access that meets City requirements. Proposed compensatory mitigation includes wetland creation, restoration, and enhancement.
 - d. Reduce the wetland buffer only where necessary to provide access to the remainder of the property. Mitigation is proposed through enhancement.
 - e. Install a stream culvert to create vehicular access and install utilities that comply with the City’s requirements.
 - f. Discharge stormwater using a piped outfall to the wetland buffer.
 - g. Install a bioswale along the south side of the new access road to treat stormwater runoff prior to water reaching stream/wetlands or their associated buffers.
3. Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.
4. Key Issues:
 - Compliance with rezone criteria
 - Compliance with subdivision criteria
 - Compliance with various sensitive area criteria

- Equestrian and pedestrian access to Bridle Trails State Park

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on March 9, 2016, at 7:00 p.m. in the Peter Kirk Room, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Planning and Building Department. The Examiner visited the site in advance of the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code ("KZC") or Kirkland Municipal Code ("KMC") unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

A. Site Description

The reference to "Attachment 2, Sheet 2 of 14" on page 5 of the Staff Report (at II.A.1(4)) is corrected to read Attachment 2, Sheet 3 of 14. With that correction, the Facts and Conclusions on site development and zoning, and on neighboring development and zoning, set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. The Sablewood development, located to the north of the subject property, is zoned RS 12.5 and has lot sizes ranging from 10,500 to 19,353 square feet.

2. Cor Sun Ranch Estates to the south is zoned RSX 35 and has lots sizes ranging from 28,002 to 47,502 square feet.
3. Only one of the 40 lots to the south of the subject property and within the Kirkland city limits has a paddock area.

B. History

The Facts and Conclusion on the subject property's tax history, set forth in Subsection II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusion.

C. Public Comment

The Facts and Conclusion on public comment set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. Public comments at the hearing reiterated some of the concerns expressed in the comment letters included in the record as Attachment 5 to the Staff Report, particularly those expressing opposition to the requested rezone as failing to comply with the applicable Neighborhood Plan and threatening the area's equestrian lifestyle.
2. Some members of the public emphasized that the market for "horse properties" remains strong but that such properties are in short supply in the area. They pointed out that the lots in the Cor-Sun development to the south of the subject property allow keeping of horses only with special approval of an architectural control committee. *See* Exhibit I at 3. They also stated that the Zoning Code would prohibit the keeping of horses on most of the lots in the development for the subject property.
3. The lots in the proposed subdivision range in size from 12,506 to 24,752 square feet. Six of the lots exceed 20,000 square feet.
4. KZC 115.20.5.b(3) provides that in zones other than "RS 35 and RSX 35 within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park," the City may approve the keeping of up to two horses on lots less than 35,000 square feet using Process I in Chapter 145 KZC and specific setback regulations.
5. Conclusion: As the subdivision is presently configured, it may be possible for a few of the lots to support horse keeping. *See* Attachment 2 to the Staff Report, Sheet 11 of 14.

D. State Environmental Policy Act and Concurrency

The Facts and Conclusion on this application set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

E. Approval Criteria

1. REZONE

a. Facts:

- (1) Zoning Code section 130.40 states that a quasi-judicial rezone may be approved only if:
 - Conditions have substantially changed since the property was given its present zoning or the proposed rezone implements the policies of the comprehensive plan; and
 - The proposed rezone is compatible with the existing land uses in the immediate vicinity of the subject property; and
 - The proposed rezone bears a substantial relationship to the public health, safety, or welfare; and
 - The proposed rezone is in the best interest of the community of Kirkland; and
 - If the rezone is to place or remove an overlay zoning designation on the Zoning Map, the proposal meets the applicable designation criteria of chapters 70 through 80 of the Zoning Code.
- (2) Figure BT-1 on page XV.C-2 of the Neighborhood Plan designates the subject property for low density residential development, 1-3 dwelling units per acre. *See* Attachment 9 to the Staff Report. Table LU-3 in the Land Use Section of the Comprehensive Plan lists RS 35,000 as the comparable zoning classification for low density residential development "Up to 1 d/a," and RS 12,500 as the comparable zoning classification for low density residential development "Up to 3 d/a". The applicant seeks RS 12,500 zoning and proposes a development density of 2 dwelling units per acre.
- (3) Historical information regarding annexation, land use designation, and zoning on the subject and adjoining properties includes the following:
 - (a) On February 21, 1989, Ordinance 3158 was signed agreeing to the property owners' petition for annexation. The annexation included the entire subject property, Cor-Sun Ranch Estates, and the properties located on the east side of Cor-Sun Ranch Estates and west of Bridle Trails State Park. At the time of annexation the entire area was zoned RS 35.
 - (b) Sablewood, the adjoining subdivision to the north of the subject property, was originally part of the City of Houghton and zoned for approximately 12 dwelling units per acre. After the cities of Houghton and Kirkland consolidated,

the property was downzoned, but the downzone was overturned in court. A subsequent development proposal was denied pursuant to SEPA, and an appeal followed. Ultimately, a negotiated agreement led to the property being rezoned to RS 12.5 in 1985, and the Sablewood subdivision was approved in 1987.

- (c) Cor-Sun Ranch Estates, to the south of the subject property, was already developed when it was annexed into the City of Kirkland in 1989. Based on size alone, most of the lots in Cor-Sun are large enough to keep a horse without any special Zoning Code review or process although, as noted, covenants require a special approval by an architectural review committee. No horses or paddock areas are visible on the aerial maps for Sablewood or Cor-Sun Ranch Estates. *See* Attachment 8 to the Staff Report.
- (d) One residential parcel between Cor-Sun Ranch Estates and Bridle Trails State Park shows evidence of a paddock area and active horse use. In 2008 a stable and paddock area was located on the most southeasterly property between Cor-Sun Ranch Estates and Bridle Trail State Park. It has been demolished and the site is currently unimproved.

(4) Comprehensive Plan policies relevant to the rezone include the following:

- (a) Land Use Policy LU-2.2: Use land efficiently, facilitate infill development or redevelopment, and where appropriate, preserve options for future development.

This land use policy supports a rezone to a maximum of three units per acre as designated on Comprehensive Plan Figure BT-1, the Bridle Trails Land Use Map. *See* Attachment 9 to the Staff Report.

- (b) Land Use Policy LU-2.3: Ensure an adequate supply of housing units ... to meet the required growth targets through efficient use of land.

If developed to the maximum allowed development potential under the Comprehensive Plan of 3 units per acre, the property could provide 15 dwelling units more than the number that could be provided under the existing zoning designation of 1 unit per acre. *See* Section II.F.1 of the Staff Report. (As noted, the development proposal is for two dwelling units per acre.)

- (c) Land Use Policy LU 4.3: Continue to allow for new residential growth throughout the community, consistent with the basic pattern of land use in the City.
- (d) Natural Environment Policy NE-1.8: Strive to minimize human impact on habitat areas.

As discussed in Sections II.E.3 through II.E.8 of the Staff Report, if the rezone is approved, multiple existing encroachments into the critical areas and their associated buffers would be removed, and the proposed project would conform to critical areas regulations. The northern access, which bisects Wetland B, would be reestablished as wetland, and the southern access, which is between Wetlands B and C, would become wetland buffer. Additional wetland and buffer mitigation would compensate for new encroachments proposed with the development.

- (e) The introduction to the Comprehensive Plan addresses the relationship between the Citywide Elements of the Plan and the Neighborhood Plans:

The Neighborhood Plans allow a more detailed examination of issues affecting smaller geographic areas within the City and clarify how broader City goals and policies in the Citywide Elements apply to each neighborhood. It is intended that each neighborhood plan be consistent with the Citywide Elements. However, because many of the neighborhood plans were adopted prior to the 1995 Plan update, portions of some of the neighborhood plans may contain inconsistencies. Where this is the case, the conflicting portions of the Citywide Elements will prevail.

- (f) Under the vision statement for the Bridle Trails Neighborhood Plan, it is explained that the “primary policy direction for this neighborhood is to *maintain the low-density residential character with some areas containing large lots capable of keeping horses.*” Emphasis added.
- (g) The Neighborhood Plan addresses specific geographic areas, including:
- (1) an area east of I-405 with “relatively new” residential developments, where new residential development “*should be low density (up to five dwelling units per acre);*”
 - (2) the single-family area north of the State Park and south of NE 70th Street, which “contains some large lots capable of keeping horses,” and in which “[r]esidential sites ... should be designed to allow sufficient space to provide ... for horses, and to appropriately buffer development bordering equestrian areas;”
 - (3) the Bridlewood Circle, Silver Spurs Ranch, and Bridle View areas, which “should remain *at a very low density (one dwelling unit per acre)* with private stable facilities permitted;” and
 - (4) the area “southwest of Bridle Trails State Park and adjacent to 116th Avenue NE,” which includes the subject property and is described as an area that, at the time the Neighborhood Plan was adopted, “*contains low-density*

residential development (one to three dwelling units per acre) and large stable facilities. Existing equestrian access to Bridle Trails State Park from this area should be preserved.”

Emphasis added.

- (h) The Neighborhood Plan then addresses “[p]roblems with utilities and traffic in the area southwest of the State Park and adjacent to 116th Avenue NE. It states that the extension of water and sewer services should always be a condition of development in the area, and that “higher-density residential uses” would increase traffic volumes, noise and hazards and should not be permitted. “Based upon the above considerations, development in this area should be limited to *low-density equestrian-oriented residential (one to three dwelling units per acre)*. In addition, the existing stable facilities should be encouraged to remain”

Emphasis added.

- (5) As noted above, the area to the north of the subject property was developed at a density of 3 dwelling units per acre (RS 12.5 zoning), and the area to the south of the subject property was developed at a density of 1 dwelling unit per acre (RSX 35 zoning). The proposal would be developed at a density of two dwelling units per acre.
- (6) The proposal would preserve the subject property’s existing equestrian/pedestrian access to Bridle Trails State Park.
- b. Conclusions: The proposed rezone is consistent with the criteria set forth in KZC 130.40:
- (1) The proposed rezone would implement the Comprehensive Plan’s Land Use policies supporting infill housing and ensuring an adequate housing supply. It would also protect the wetlands and streams and their associated buffer to the maximum extent possible, including removing existing non-conforming wetland encroachments and bringing non-conforming wetland buffers into conformance with existing regulations, thereby implementing policies in the Plan’s Natural Environment element.
- (2) The rezone would also implement the Bridle Trails Neighborhood Plan. It is clear from the explanatory statement under the vision statement that maintenance of the low-density residential character in the area is key, and that “some areas” should continue to maintain large lots for horses. The Neighborhood Plan expressly directs that in the single family area north of the State Park and south of NE 70th Street, residential sites within areas that are equestrian-oriented should be designed to allow for keeping horses. It also expressly directs that Bridlewood Circle, Silver Spurs Ranch and Bridle View should remain at “very low” residential density, which is stated to be one dwelling unit per acre. But for the area in question, southwest of the State Park along 116th Avenue NE, both “low density development and equestrian facilities should be

permitted.” “Low density” is repeatedly explained as being from one to three dwelling units per acre.

The Neighborhood Plan’s discussion of “very low density” as one dwelling unit per acre and “low density” as one to three dwelling units per acre is consistent with the comparable zoning classifications for those densities listed in Table LU-3 of the Comprehensive Plan. Thus, the Neighborhood Plan does not conflict with the Comprehensive Plan.

- (3) The rezone would be compatible with existing land uses in the immediate vicinity of the subject property. Properties to the north and south are developed with low-density residential development and, with one exception, the lots are not used for keeping horses.
- (4) The rezone bears a substantial relationship to public health, safety, or welfare because the proposal will create infill residential development while meeting the goals and policies of the Comprehensive Plan, including the applicable Neighborhood Plan.
- (5) The proposed rezone would be in the best interest of the community of Kirkland because it would increase the housing stock, thereby assisting the City in meeting its housing targets while protecting the stream and wetlands to the maximum extent possible.
- (6) The rezone will not place or remove an overlay zoning designation on the Zoning Map.

2. PRELIMINARY PLAT
3. CRITICAL AREAS

The Facts and Conclusions concerning the proposal’s consistency with the approval criteria for a preliminary subdivision and with critical area requirements are set forth in Subsections II.E.2 through II.E.3 through II.E.8 of the Staff Report and are adopted by reference as the Hearing Examiner’s Findings and Conclusions.

F. Development Regulations

The Facts and Conclusions on the proposal’s consistency with applicable development regulations are set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner’s Findings and Conclusions.

G. Comprehensive Plan

The proposal’s consistency with the Comprehensive Plan is addressed above in Section E.

H. Development Standards

The Fact and Conclusion on this matter set forth at Subsection II.H of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

I. Process IIB Decisional Criteria

As noted above, the application for the rezone, preliminary subdivision and sensitive area approvals is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan, and it is also consistent with the public health, safety and welfare. It therefore meets the requirement of KZC 152.70.3.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the entire application subject to the conditions set forth in Section I.B of the Staff Report.

Entered this 16th day of March, 2016.


Sue A. Tanner
Hearing Examiner

EXHIBITS:

The following exhibits were entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 17
- Exhibit B Department's PowerPoint presentation
- Exhibit C Packet of public comments sent to the Department after release of Department recommendation
- Exhibit D Illustrative Site Plan, Site Enlargements & Photos, Engineering Plans & Sections, Vicinity Map and Site Vicinity Enlargement (total 5 sheets)
- Exhibit E Declaration of Michael Crooks, former owner of subject property
- Exhibit F Traffic data for 116th Ave.NE/NE 60th St. before and after start of I-405 tolling
- Exhibit G Illustration of "paper fill" of wetland
- Exhibit H Comments of Jennifer Duncan
- Exhibit I Protective Covenants – Plat of Con-Sun Ranch Estates
- Exhibit J Illustration re balancing development with community character
- Exhibit K Enlarged aerial photos of Con-Sun Ranch Subdivision
- Exhibit L Comments of Ann Shilling
- Exhibit M Comments of Molly Lawrence
- Exhibit N Comments of Jim Erckmann

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Exhibit O Comments of Mary Decher
Exhibit P Comments of Deborah Giddings
Exhibit Q Comments of Jessica Reaves
Exhibit R Comments of Jana Hobbs
Exhibit S Comments of Klara Lukacs
Exhibit T Comments of Andrea Lorig, former owner of subject property

PARTIES OF RECORD:

Cher Anderson, KLN Construction, Inc., applicant
Brian Holtzclaw, attorney-at-law, on behalf of applicant
Jim Erckmann
Jennifer Duncan
Suzanne Kagen
Amy Supple
Molly Lawrence
Mary Decher
Rob Hemingson
Carolyn Adams
Jana Hobbs
Gavin Wissler
Andy Held
Ann Shilling
Lynn Erckmann
Kay Brossard
Mehri Kaufman
Alice Prince
Suki Steiner
Amy Itkin
Paula Munson
Parties of Record prior to hearing
Planning and Building Department
Department of Public Works

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or

testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., March 28, 2016, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

Under KMC 22.16.010, "Final plat – Submittal – Time limits," if the final plat is not submitted to the City Council within the time limits set forth in RCW 58.17.140, it shall be void.

Link to Exhibit A:

http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/Hearing_Examiner_Meeting_Information.htm

March 9, 2016 Meeting Packet (This can be viewed by clicking on the links to the four parts of the staff recommendation for the March 9, 2016 meeting.)

Link to Exhibit B through D:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part1.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit E through I:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part2.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit J through L:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part3.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

Link to Exhibit M through T:

http://www.kirklandwa.gov/Assets/KHE+Recommendation+Exhibits+Combined+-+Bridlestone+Estates+SUB15-00572_Part4.pdf

March 9, 2016 Exhibits Received at the Hearing Examiner Meeting

PARCEL # 162505-9017:

THE EAST 397.36 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS PER DRIVEWAY EASEMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 6367183;

ALSO TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES AS STATUTORY WARRANTY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 8708201403;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9021:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.;

EXCEPT THE EAST 214 FEET THEREOF;

EXCEPT THE NORTH 15 FEET THEREOF;

AND EXCEPT THE WEST 30 FEET THEREOF FOR 116TH AVE NE AS ESTABLISHED BY ORDER OF ESTABLISHMENT RECORDED IN COUNTY COMMISSIONER'S RECORDS BOOK 33, PAGE 175;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9022:

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION NORTH 88° 18' 48" WEST 1,055.61 FEET FROM THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 88° 18' 48" EAST 658.25 FEET;

THENCE SOUTH 01° 02' 42" WEST PARALLEL TO THE EAST LINE OF SAID SUBDIVISION 327.52 FEET TO THE SOUTH LINE THEREOF;

THENCE NORTH 88° 21' 20" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION 655.90 FEET;

THENCE NORTH TO THE POINT OF BEGINNING;

PARCEL # 162505-9031:

THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THE WEST 30 FEET FOR 116TH AVENUE NORTHEAST AS ESTABLISHED IN VOLUME 33 OF COMMISSIONERS RECORDS ON PAGE 175;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL # 162505-9034:

THE EAST 214 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE NORTH 15 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 214 FEET THEREOF; AND

EXCEPT THAT PORTION THEREOF LYING WITHIN 116TH AVENUE NORTHEAST.

PUBLICATION SUMMARY
OF ORDINANCE O-4516

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND APPROVAL OF A REZONE, PRELIMINARY SUBDIVISION, AND MULTIPLE SENSITIVE AREA DECISIONS AS APPLIED FOR BY KLN CONSTRUCTION, INC. IN DEPARTMENT OF PLANNING AND BUILDING FILE NOS. SUB15-00572, REZ15-00575, SAR15-00573, SAR15-00574, SAR15-00580 AND SETTING FORTH CONDITIONS OF APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Approves the application for a rezone preliminary subdivision and multiple sensitive area decisions subject to certain conditions.

SECTION 3. Provides that after completion of final review of the rezone, preliminary subdivision and sensitive area decisions, the Process IIB Permit shall be issued and subject to the adopted Recommendations in Section 1 of the Ordinance.

SECTION 4. Rezones the property described from RS 35 and RSX 35 to RS 12.5.

SECTION 5. Directs the Director of the Planning and Building Department to amend the Kirkland Zoning Map and file a copy with the Planning and Building Department and the City Clerk.

SECTION 6. Provides that the applicant is not excused from compliance with any federal, state or local statutes, ordinances or regulations applicable to the project, other than as expressly set forth in the Ordinance.

SECTION 7. Provides grounds for revocation of the Process IIB Permit.

SECTION 8. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 9. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 10. Provides that the certified Ordinance and adopted Findings, Conclusions and Recommendations are part of the Process IIB Permit and shall be delivered to the applicant.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland.

The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2016.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk