



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3600 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager **QUASI-JUDICIAL**
From: David Barnes, Associate Planner
Eric Shields, Director of Planning and Building
Date: July 6, 2016
Subject: ASTRONICS PRELIMINARY AND FINAL PUD, PBD FILE NO. ZON15-00875

RECOMMENDATION

Council consider the Hearing Examiner recommendation for the proposed Astronics preliminary and final planned unit development (PUD) application by Craft Architects (on behalf of Astronics Corporation) and direct staff to return to the August 16, 2016 City Council meeting with a final ordinance to either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application; or
- Deny the application.

The City Council may, by a vote of at least five members, suspend its rule that requires consideration of a Process IIB application at one meeting and a vote on the Ordinance at the next. This would enable the Council to vote on the Ordinance at the July 19, 2016 meeting instead of the August 16th meeting.

In the alternative, pursuant to Kirkland Zoning Code ("KZC") 152.90.2.b, 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, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

An Ordinance reflecting the recommendation of the Hearing Examiner is included with this agenda item. The Hearing Examiner Recommendation for approval along with her Findings, Conclusions, Exhibits and Public Comments received into the public record is attached to the proposed Ordinance.

RULES FOR CITY COUNCIL CONSIDERATION

The City Council shall consider the Process IIB Zoning Permit for the PUD application based on the record before the Hearing Examiner and recommendation of the Hearing Examiner.

BACKGROUND DISCUSSION

Proposal

Craft Architecture, on behalf of Astronics Corporation, submitted an application for a preliminary and final Planned Unit Development (PUD) to provide offsite mitigation outside of the subject property's drainage basin for filling three onsite Type III wetlands (totaling 0.70 acres). The approval of the wetland fill would allow the construction of a three-story manufacturing/office building, surface parking, access road and an associated six-story parking garage. The property is located at 13415 and 13425 141st Avenue NE in the TL7B Zone (see Enclosure 1). Under current zoning without a PUD, the applicant would not be able to propose offsite mitigation outside the subject property's drainage basin.

The components of the PUD modification request and proposed public benefits to the City are described below:

1. A preliminary and final Planned Unit Development (PUD) with modification of the following Zoning Code requirement:
 - a. Kirkland Zoning Code Section 90.55.4 describes mitigation requirements and requires that offsite mitigation occur in the same drainage basin as the subject property.
 - b. The applicant proposes utilizing the King County Mitigation Reserves Program (MRP) in-lieu fee (ILF) program to compensate for filling (0.70 acres) three onsite Type III wetlands. While the mitigation site is not in the same drainage basin as the subject property, they both lie within the Sammamish River Watershed and are in the same Water Resource Inventory Area (WRIA8).
2. The PUD proposal includes the following benefits to the City beyond the improvements that would typically be required (see Enclosure 1):
 - a. Provide Public Facilities that could not be required by the City.
The applicant proposes to contribute \$350,000.00 toward a public sidewalk and street light project adjacent to subject property on a portion of NE 128th Street and 139th Avenue NE. The sidewalk creates a safe pedestrian connection from both Astronics and the recent housing developments in southeast Kingsgate to King County's Eastside Rail Corridor. King County intends to remove the rails and ties on this portion of the ERC and establish an Interim Trail in this location in the next few years.
 - b. Restoration of onsite stream and wetland buffers.
The applicant proposes to restore an onsite Class B Stream buffer and Type II wetland buffer located just south of proposed development.

Public Hearing

The Hearing Examiner held a public hearing on June 24, 2016. City Staff made a presentation and answered questions from the Hearing Examiner during the hearing. A letter from King County Parks and Recreation Division was submitted to the Hearing Examiner. This letter explained that King County is planning a paved trail system to the east and west of the Astronics property (Eastside Rail Corridor) and that the applicant may want to consider privacy and security when clearing and developing the site. In addition, the letter discussed the King County permitting requirements for connecting to the Eastside Rail Corridor.

The [staff advisory report](#) including attachments and parties of record comments are available for viewing at the Hearing Examiner's page (June 24, 2016) on the Planning and Building Department webpage.

On June 27, 2016, the Hearing Examiner recommended approval of the application per Staff's recommendation. No challenges were filed.

ENCLOSURE

1. Astronics site plan and Public Benefit Plan

UTILITY CONFLICT NOTE

CAUTION
THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DIMENSION, AND DEPTH OF ALL EXISTING UTILITIES WHETHER SHOWN ON THESE PLANS OR NOT BY POLOING THE UTILITIES AND SURVEYING THE HORIZONTAL AND VERTICAL LOCATION PRIOR TO CONSTRUCTION. THIS SHALL INCLUDE CALLING UTILITY LOCATOR @ 1-800-424-5555 AND THEN POLOING ALL OF THE EXISTING UTILITIES AT LOCATIONS OF NEW UTILITY CROSSINGS TO POSITIVELY VERIFY THE LOCATION OF EXISTING UTILITIES. LOCATIONS OF SAID UTILITIES AS SHOWN ON THESE PLANS ARE BASED UPON THE UNIFORMED PUBLIC UTILITIES LOCATION AND MARKING ACT. CONTRACTORS SHOULD OBTAIN UNDERGROUND UTILITY INFORMATION AND BE SUBJECT TO VARIATION. CONSULTING ENGINEERS, INC. TO RESOLVE ALL PROBLEMS PRIOR TO PROCEEDING WITH CONSTRUCTION.

LEGAL DESCRIPTION

PARCEL D:
THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SEATTLE BELT LINE RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 363170 AND THE WESTERN OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SPOKANE BRANCH RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 13677; EXCEPT THE SOUTH 422.3 FEET; AND EXCEPT THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTH 857.21 FEET THEREOF.

PARCEL E:
THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SEATTLE BELT LINE RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 363170 AND WESTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SPOKANE BRANCH RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 13677; EXCEPT THE SOUTH 857.21 FEET THEREOF.

COVER SHEET
A PORTION OF THE SW 1/4 OF THE SE 1/4 OF SECTION 22,
ALONG WITH A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 27,
AND A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27,
TOWNSHIP 26 N, RANGE 5 E, W.M. IN KING COUNTY, WASHINGTON

SURVEY INFORMATION

SUBJECT:
BAMA HOLMBERG
100 FRONT ST S
ISSAQUAH, WA 98027
CONTACT: DANNY P. HALLIN

HORIZONTAL DATUM - BASIS OF BEARINGS
HORIZONTAL DATUM IS KING COUNTY SURVEY CONTROL.

VERTICAL DATUM - BASIS OF ELEVATIONS
DATUM: NAVD 88

SET REBAR & CAP CONTROL POINT #34
APPROXIMATELY 4.3' S OF PROPERTY LINE T.L. 53.
APPROXIMATELY 25' W OF SW COR. T.L. 53.
ELEVATION: 50.98 FEET

ARCHITECT

CRAFT ARCHITECTS
2508 3RD AVE, SUITE #324
SEATTLE, WA 98121
CONTACT: PAUL ENGERT
PH: 425-720-7001

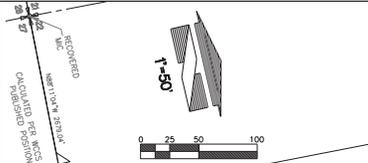
ENGINEER

BARGHAUSEN CONSULTING ENGINEERS, INC.
18215 72ND AVE. SO.
KIRKLAND, WA 98033
CONTACT: ALI SADR, PE
PH: 425-251-6222

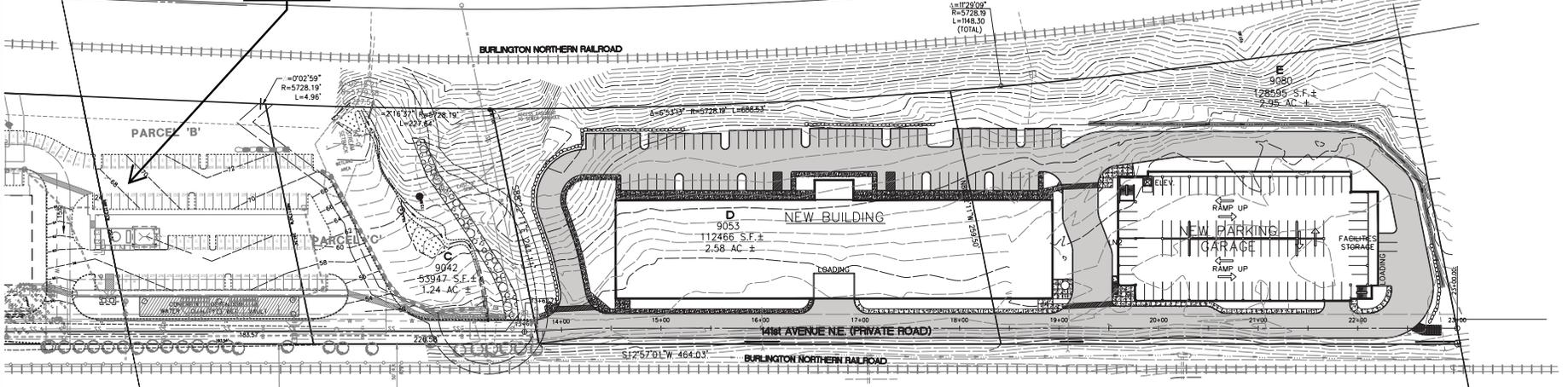
OWNER
ASTRONICS CORPORATION
12950 WILLOWS ROAD N.E.
KIRKLAND, WA 98034
CONTACT: TIM BORLAND
PH: 425-556-4536



CALL BEFORE YOU DIG:
1-800-424-5555



Existing Astronics Campus



INDEX TO SHEETS:

- C1 OF 9 COVER SHEET
- C2 OF 9 DEMOLITION PLAN
- C3 OF 9 TEMPORARY EROSION/SEDIMENT CONTROL PLAN
- C4 OF 9 GRADING, STORM DRAINAGE AND UTILITY PLAN
- C5 OF 9 141st AVENUE N.E. PLAN AND PROFILE
- C6 OF 9 CONSTRUCTION NOTES AND DETAILS
- C7 OF 9 CONSTRUCTION NOTES AND DETAILS
- C8 OF 9 CONSTRUCTION NOTES AND DETAILS
- C9 OF 9 TEMPORARY EROSION/SEDIMENT CONTROL NOTES AND DETAILS

LEGEND:

EXISTING	PROPOSED
● SURVEY MONUMENT (AS NOTED)	— W — W — WATER LINE
⊕ BENCHMARK	— SS — SANITARY SEWER LINE
⊕ SECTION CORNER (AS NOTED)	— GD — GAS LINE
⊕ FOUND REBAR/CAP (AS NOTED)	— — — — — EXISTING CONTOUR
⊕ POWER VAULT	▨ ASPHALT
⊕ LAMINAIR (LUM)	▨ POROUS PAVEMENT
⊕ YARD LIGHT	▨ CONCRETE SIDEWALK
⊕ POWER METER	▨ POROUS PAVERS
⊕ POWER POLE	▨ SWALE
⊕ JUNCTION BOX (AS NOTED)	● SEWER MANHOLE
⊕ TELEPHONE MANHOLE	● SEWER CLEANOUT
⊕ CATCH BASIN (CB)	— — — — — SEWER LINE
⊕ STORM MANHOLE (SDMH)	— — — — — STORM PIPE
⊕ SANITARY SEWER MANHOLE (SSMH)	▨ WATER LINE
⊕ SANITARY SEWER CLEANOUT (SSCO)	▨ CATCH BASIN
⊕ GAS METER	— — — — — PROPOSED CONTOUR
⊕ GAS VALVE	
⊕ WATER VALVE (WV)	
⊕ FIRE HYDRANT (FH)	
⊕ WATER MANHOLE	
⊕ WATER METER	
⊕ SIGN	
⊕ MONITOR WELL	
→ DIRECTION OF VEHICLE TRAVEL	

CONSTRUCTION SEQUENCE

- SCHEDULE AND ATTEND PRE-CONSTRUCTION MEETING WITH CITY OF KIRKLAND OFFICIAL.
- FLAG ALL CLEARING AND GRADING LIMITS FOR PHASE OF PROJECT AS SHOWN ON THE PLANS.
- FLAG AND DELINEATE ALL WETLANDS AND SENSITIVE AREAS TO REMAIN UNDISTURBED.
- POST NOTICE OF CONSTRUCTION ACTIVITY SIGN WITH NAME AND PHONE NUMBER OF CERTIFIED EROSION AND SEDIMENTATION CONTROL SUPERVISOR.
- INSTALL CATCH BASIN PROTECTION ON ALL EXISTING STRUCTURES WITHIN VICINITY OF PROJECT SITE.
- CONTRACT TEMPORARY ROCK CONSTRUCTION ENTRANCE INCLUDING TRUCK WASH PADS WHERE REQUIRED.
- INSTALL TEMPORARY FILTER FABRIC FENCE ALONG PERIMETER OF PROJECT AS SHOWN ON THE PLANS.
- INSTALL TEMPORARY PERIMETER INTERCEPTOR DITCHES WITH ROCK CHECK DAMS ALONG THE PERIMETER OF PROPOSED WORK.
- CONTRACT TEMPORARY SEDIMENT PONDS, TRAPS, AND NECESSARY STORM DRAINAGE CONDUIT PIPE.
- GRADE AND STABILIZE CONSTRUCTION ROADS.
- PROTECT ALL THE PROPERTIES ADJACENT TO THE PROJECT FROM SEDIMENT DEPOSITION.
- NO RUNOFF IS TO LEAVE SITE WITHOUT TREATMENT.
- COORDINATE WITH UTILITY COMPANIES FOR REMOVAL AND REPLACEMENT OF UTILITIES TO BE ABANDONED OR REPLACE.
- WHERE OVER CONSTRUCTION VEHICLE ACCESS ROUTE CROSSES PAVED ROAD, CARE MUST BE MADE TO MINIMIZE THE TRANSPORTATION OF SEDIMENT (MUD) INTO THE PAVED ROADS. IF SEDIMENT IS TRANSPORTED INTO THE PAVED ROAD SURFACE, THE ROAD SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY.
- WITH EACH LAYER OF FILL MATERIAL, INTERCEPTOR DITCH AND T.E.S.C. FACILITIES MUST BE GRADED AND MAINTAINED TO PROVIDE SLOPE FOR DRAINAGE TO SEDIMENT PONDS.
- MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH CITY STANDARDS.
- RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURE SO THAT AS SITE CONDITIONS CHANGE, THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH CITY STANDARDS AND FUNCTIONAL.
- ALL THE EROSION DEVICES DURING CONSTRUCTION SHALL DISCHARGE INTO THE SEDIMENT POND.
- CONTRACT ANY ACCUMULATED SEDIMENT THAT EXCEED 6" OF THE DESIGN POND DEPTH, POND AND T.E.S. CONTROL MEASURES SHALL BE INSPECTED AFTER ANY MAJOR STORM FOR INTENDED FUNCTION AND VOLUME.
- COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS DURING THE DRY SEASON OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER, MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.
- CONTINUOUS MAINTENANCE AND UPGRADE OF T.E.S.C. MEASURES INCLUDING MUST CONTROLS SHALL BE PROVIDED UNTIL ALL RISK OF EROSION/SEDIMENTATION HAS PASSED AND PERMANENT STORM DRAINAGE SYSTEM IS INSTALLED AND FUNCTIONAL. DO NOT CONVEY SEDIMENT LADEN WATER INTO DOWNSTREAM STORM DRAINAGE SYSTEM.
- STABILIZE ALL AREAS THAT REACH FINAL GRADES WITHIN SEVEN DAYS, SEED OR SOO ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.
- UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BEST MANAGEMENT PRACTICES REMOVED IF APPROVED BY CITY.

CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR OBTAINING PERMITS FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR REMOVING AND REPLACING ALL SURVEY MONUMENTATION THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITY. PURSUANT TO WAC 332-120, APPLICATIONS MUST BE COMPLETED BY A REGISTERED LAND SURVEYOR. APPLICATIONS FOR PERMITS TO REMOVE MONUMENTS MAY BE OBTAINED FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES, OR BY CONTACTING THEIR OFFICE BY TELEPHONE AT (206) 902-1190.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
PUBLIC LAND SURVEY OFFICE
1111 WASHINGTON STREET S.E.
P.O. BOX 47060
OLYMPIA, WASHINGTON 98504-7060

UPON COMPLETION OF CONSTRUCTION, ALL MONUMENTS DISPLACED, REMOVED, OR DESTROYED SHALL BE REPLACED BY A REGISTERED LAND SURVEYOR, AT THE COST AND AT THE DIRECTION OF THE CONTRACTOR, PURSUANT TO THESE REGULATIONS. THE APPROPRIATE FORMS FOR REPLACEMENT OF SAID MONUMENTATION SHALL ALSO BE THE

EK TOPOGRAPHY/SURVEY INFORMATION NOTE

NOTE: BARGHAUSEN CONSULTING ENGINEERS, INC. DID NOT CONDUCT ANY PORTION OF THE TOPOGRAPHIC SURVEY AND THEREFORE DOES NOT WARRANT THAT THE TOPOGRAPHY SHOWN ON THESE DRAWINGS IS REPRESENTATIVE OF WHAT IS CONSTRUCTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE OWNER TO HAVE ALL IMPROVEMENTS FIELD VERIFIED PRIOR TO CONSTRUCTION. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF BARGHAUSEN CONSULTING ENGINEERS, INC. PRIOR TO WORK. UTILITIES AND UTILITY EASEMENTS FOR THIS SITE HAVE NOT BEEN RESEARCHED OR CONFIRMED.

COVER SHEET

ASTRONICS NORTH BUILDING ADDITION

ASTRONICS
12950 WILLOWS ROAD N.E.
KIRKLAND, WA 98034
TIM BORLAND (425) 556-4536

ALL SADR REGISTERED PROFESSIONAL ENGINEER

BARGHAUSEN CONSULTING ENGINEERS, INC.

Scale: Horizontal 1"=50', Vertical N/A

Designer: AS, Date: 08/09/16
Drawn: MB, Date: 08/09/16
Checked: AS, Date: 08/09/16
Approved: AS, Date: 08/09/16

18215 72ND AVENUE SOUTH
KIRKLAND, WA 98033
PHONE: (425) 251-6222
FAX: (425) 251-8782

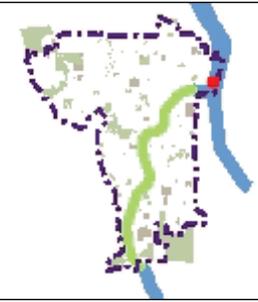
CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES

Job Number: 16380
Sheet: 9
Scale: 1" = 1'



NE 128th to Willows Rd Sidewalk

Enclosure 1



Legend

- Streams
 - Open
 - - - Pipe
- Wetlands
- Address
 - Other Address
 - Current Address
 - Current ADU
 - ◆ Pending Address
- - - City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor
- Proposed location of sidewalk for PUD public benefit

1: 1,200



Notes

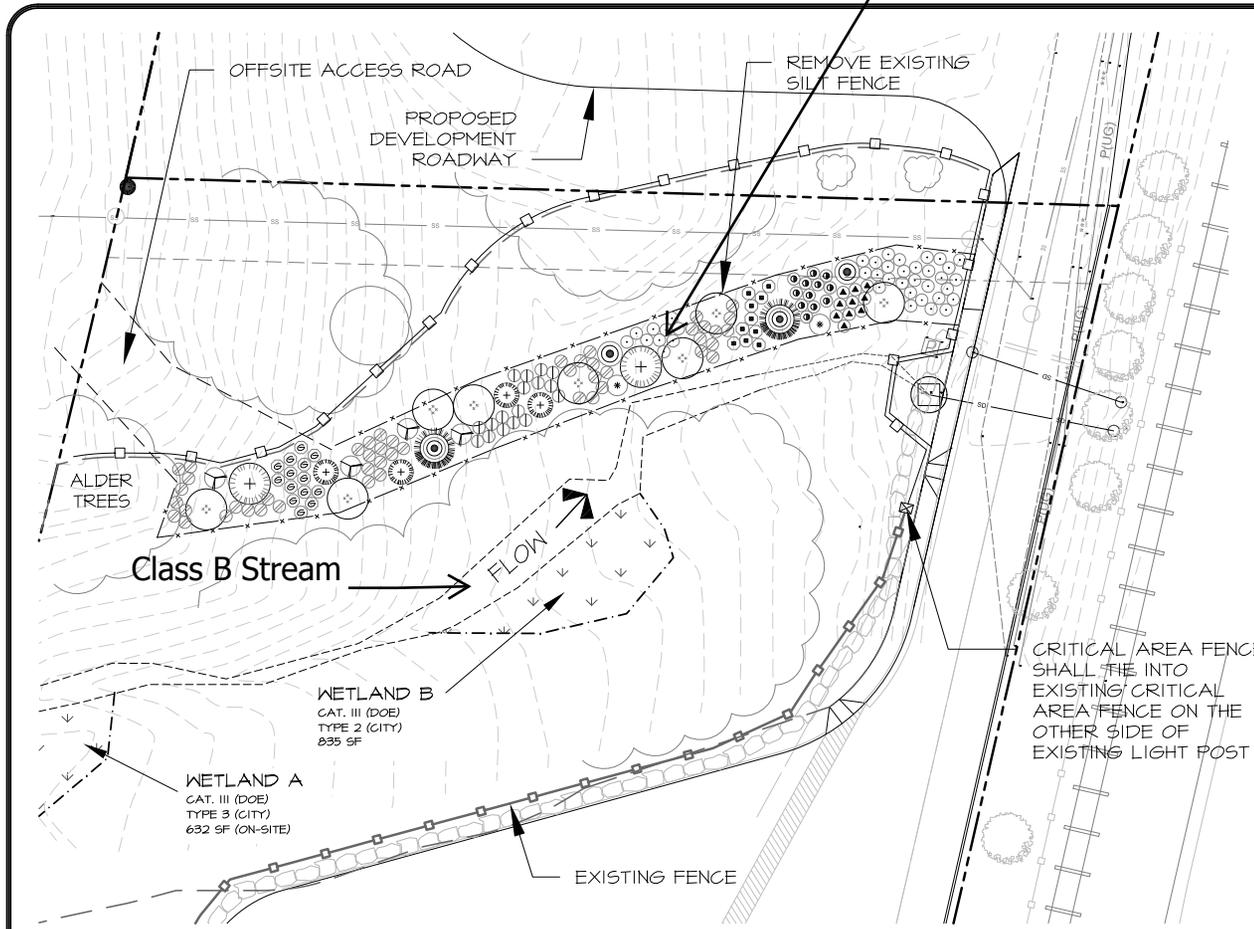
Future Sidewalk

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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No warranties of any sort, including but not limited to accuracy, fitness, or merchantability, accompany this product.

Stream Buffer Planting area



PLANTING PLAN

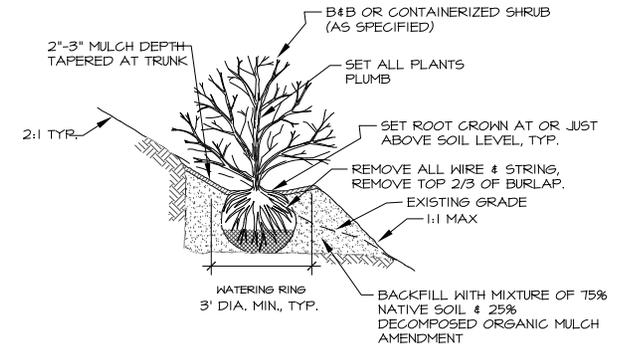
SEE PLANT SCHEDULE ON FIGURE II

LEGEND

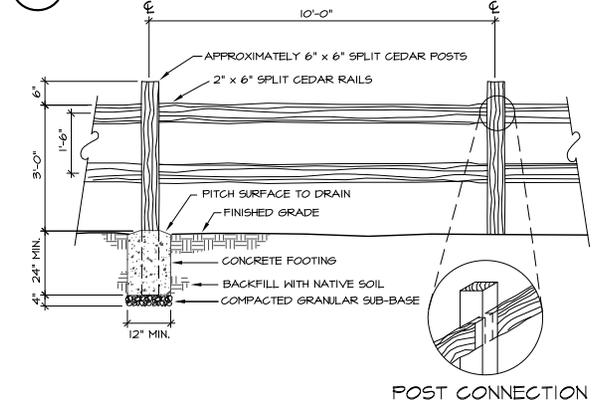
- PROJECT SITE BOUNDARY
- EXISTING WETLAND
- OHWM
- EXISTING SILT FENCE
- POST CONSTRUCTION BUFFER
- SPLIT RAIL FENCE
- EXISTING TREES

SOIL PREPARATION NOTES

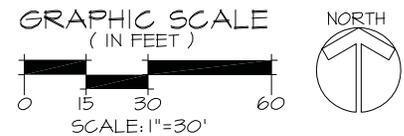
1. CLEAR ENHANCEMENT AREA AND DISPOSE OF ALL INVASIVE SPECIES.
2. REMOVE ROCK & RIP RAP OF OLD ACCESS ROAD.
3. SCARIFY/DECOMPACT ENHANCEMENT AREA.
4. PLACE 9" TOPSOIL.
5. MULCH ALL ENHANCEMENT AREAS.
6. COMPLETE SITE CLEANUP AND INSTALL PLANT MATERIAL AS INDICATED ON THE MITIGATION PLANTING PLAN.



1 SLOPE PLANTING DETAIL



2 SPLIT 2-RAIL FENCE DETAIL



TALASAEA CONSULTANTS, INC.
Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)861-7550 - Fax (425)861-7549

FIGURE #3
PLANTING PLAN & DETAILS
ASTRONICS EXPANSION
KIRKLAND, WASHINGTON

DESIGN	DRAWN	PROJECT
	ABS	1467
SCALE AS SHOWN		
DATE		
12-2-2015		
REVISED		
3		

ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING FILE NO. ZON15-00875, AND SETTING FORTH CONDITIONS OF APPROVAL.

1 WHEREAS, the Department of Planning and Building has
2 received an application, pursuant to Process IIB, for a preliminary and
3 final planned unit development (PUD) filed by Craft Architecture on
4 behalf of Astronics Corporation as Department of Planning and Building
5 File No. ZON15-00875 for a proposed office/manufacturing
6 development within a TL7B Zone known as Astronics ("Development");
7 and
8

9 WHEREAS, pursuant to the City of Kirkland's Concurrency
10 Management System, KMC Title 25, a concurrency application has been
11 submitted to the City of Kirkland, reviewed by the responsible Public
12 Works official, the concurrency test has been passed, and a concurrency
13 test notice issued; and
14

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

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

25 WHEREAS, the application was submitted to the Kirkland
26 Hearing Examiner who held a hearing on June 24, 2016; and
27

28 WHEREAS, the Kirkland Hearing Examiner, after her public
29 hearing and consideration of the recommendations of the Department
30 of Planning and Building, adopted certain Findings, Conclusions and
31 Recommendations and recommended approval of the Process IIB
32 Permit subject to the specific conditions set forth in those
33 recommendations; and
34

35 WHEREAS, the City Council, in open meeting, considered the
36 environmental documents received from the responsible official,
37 together with the recommendation of the Hearing Examiner; and
38

39 WHEREAS, the Kirkland Zoning Code requires approval of this
40 application for PUD to be made by ordinance.
41

42 NOW, THEREFORE, the City Council of the City of Kirkland do
43 ordain as follows:

44 Section 1. The Findings, Conclusions, and Recommendations of the
45 Kirkland Hearing Examiner ("Recommendations"), as signed by her and
46 filed in the Department of Planning and Building File No. ZON15-00875,
47 a copy of which is attached to this Ordinance as Exhibit A and
48 incorporated herein, are adopted by the Kirkland City Council.

49
50 Section 2. The City Council hereby approves the application for
51 a preliminary and final PUD, subject to the conditions set forth in the
52 Recommendations.

53
54 Section 3. The Process IIB Permit shall be issued to the
55 applicant subject to the conditions set forth in the Recommendations
56 adopted by the City Council.

57
58 Section 4. Nothing in this ordinance shall be construed as
59 excusing the applicant from compliance with any federal, state or local
60 statutes, ordinances or regulations applicable to this project, other than
61 expressly set forth herein.

62
63 Section 5. Failure on the part of the applicant to initially meet
64 or maintain strict compliance with the standards and conditions to which
65 the Process IIB Permit is subject shall be grounds for revocation in
66 accordance with the Kirkland Zoning Code.

67
68 Section 6. This ordinance shall be in force and effect five days
69 from and after its passage by the Kirkland City Council and publication
70 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
71 form attached to the original of this ordinance and by this reference
72 approved by the City Council.

73
74 Section 7. A complete copy of this ordinance, including
75 Findings, Conclusions and Recommendations adopted by reference,
76 shall be certified by the City Clerk, who shall then forward the certified
77 copy to the King County Department of Assessments.

78
79 Section 8. A certified copy of this ordinance, together with the
80 Findings, Conclusions, and Recommendations herein adopted shall be
81 attached to and become a part of the Process IIB Permit or evidence
82 thereof delivered to the applicant.

83
84 Passed by majority vote of the Kirkland City Council in open meeting
85 this ____ day of _____, 2016.

86
87 Signed in authentication thereof this ____ day of
88 _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND DECISION**

APPLICANT: Craft Architecture on behalf of Astronics Corporation

FILE NO: ZON15-00875

APPLICATION:

Site Location: 13415 and 13425 141st Avenue NE

Request: A Planned Unit Development to provide offsite mitigation, outside of the property's drainage basin, for filling three onsite Type III wetlands

Review Process: Process IIB, Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, who makes a final decision

Key Issue: Using the Planned Unit Development process in the Kirkland Zoning Code to allow applicant participation in the King County In-Lieu Fee Mitigation Reserves Program as compensatory mitigation for filling three onsite Type III wetlands, rather than requiring mitigation onsite or within the same drainage basin as the subject property as required by Code

SUMMARY OF RECOMMENDATION:

Planning and Building Development Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the application on June 24, 2016, in the Council Chambers, 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 are available for public inspection in the Planning and Building Department. The Examiner visited the site following the hearing.

TESTIMONY

David Barnes, Project Planner testified at the public hearing. No members of the public attended the hearing. The testimony is summarized in the hearing minutes.

EXHIBITS

The following exhibits were entered into the record at the hearing:

- A. Department of Planning and Building Staff Report including 26 attachments
- B. Comment letter dated June 24, 2016 from the King County Division of Parks and Recreation

Hearing Examiner Decision
File No. ZON15-00875
Page 2 of 3

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

After reviewing the Department's Advisory Report and all attachments, the Examiner finds that the findings of fact in the Advisory Report are accurate, complete and supported by the record. The Examiner therefore adopts them by reference and adds the following:

A comment letter was received from the King County Division of Parks and Recreation on the date of the hearing. The comment letter advises that King County owns the properties adjoining the subject property on the east and west, which are expected to be part of a paved regional trail. The County suggests that in designing the project and clearing the site, the applicant consider any future needs for privacy, screening or other site security measures. The comment letter also provides information about the appropriate method for obtaining a permit for a connection from the subject property to the adjacent Eastside Rail Corridor.

The Conclusions set forth in the Department's Advisory Report are supported by the facts in the record, and are therefore adopted by reference.

Recommendation:

Based upon the adopted findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the PUD application, subject to the conditions set forth at pages 2 through 4 of the Department's Advisory Report.

Entered this 27th day of June, 2016.


Sue A. Tanner
Hearing Examiner

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., July 8, 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

KZC Section 152.115 requires that the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

PARTIES OF RECORD:

Applicant
Department of Planning and Building
Department of Public Works

EXHIBIT A

[Exhibit A, staff report and attachments](#), is available by going to the Hearing Examiner webpage for the June 24th 2016 meeting date. Exhibit A in its entirety is divided into five (5) parts.



King County

Department of Natural Resources and Parks
Division of Parks and Recreation
Property Management
King Street Center Building
201 South Jackson Street
Seattle, WA 98104-3855
206-477-477-9378

June 24, 2016

Mr. David Barnes, Planner
Planning and Building Department
City of Kirkland
123 5th Ave
Kirkland, WA 98033

RE: King County Parks and Recreation Division Comments on ZON15-875

Mr. Barnes,

This letter intends to provide comment on the subject notice of hearing and is submitted on behalf of King County Parks and Recreation Division. King County owns the adjoining properties to the east and west. These properties are considered in the Eastside Rail Corridor Master Plan, a current planning effort that includes early design for a paved regional trail on each property. Construction of the regional trails may also require our development of retaining walls and drainage facilities. After reviewing the proposed application and staff report we have the following comments:

1. A regional trail on the east and west boundary of this site will increase traffic, visibility and exposure to trail users, on-going maintenance, and periodic construction. While designing and clearing the subject site, consider and accommodate future on-site needs that the applicant may have for privacy, screening, or other site security.
2. The staff report identifies a requirement for development of a new connection from the subject site to the Eastside Rail Corridor (E.1.a.1. (d-f), pg 14). Access points, and connecting paths, within the property boundary of the Eastside Rail Corridor may be considered and reviewed through the King County Special Use Permit (SUP) process. A SUP is the method to request the use or alteration of King County property. A SUP is a temporary, revocable real estate license that King County Parks may approve, may approve with conditions, or may deny. The applicant

CITY OF KIRKLAND
Hearing Examiner Exhibit

Applicant _____
Department _____
Public

B

FILE # 2015-00875

is encouraged to coordinate with King County Parks in the near term regarding the potential for approval of a SUP, to meet the City's stated requirement.

Please contact me for additional information or discussion, heather.marlow@kingcounty.gov.

Sincerely,

A handwritten signature in cursive script that reads "Heather Marlow". The signature is written in black ink and is positioned above the printed name.

Heather Marlow
Real Property Agent

PUBLICATION SUMMARY
OF ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING DEPARTMENT FILE NO. ZON15-00875, 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 preliminary and final Planned Unit Development.

SECTION 3. Provides that after completion of final review of the PUD, the Process IIB Permit shall be issued and subject to the adopted Recommendations.

SECTION 4. 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 5. Provides grounds for revocation of the Process IIB Permit.

SECTION 6. 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 7. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 8. 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