

RESOLUTION NO. 2177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND A CONDITIONAL USE PERMIT AS APPLIED FOR IN PLANNING DEPARTMENT FILE NO. CUP-SDP-73-16(H) BY THE CITY OF KIRKLAND FOR DEVELOPMENT OF MARSH PARK, AND SETTING FORTH CONDITIONS TO WHICH CONDITIONAL USE AND SUBSTANTIAL DEVELOPMENT PERMITS SHALL BE SUBJECT.

WHEREAS, the Kirkland Department of Community Development has received an application for Conditional Use Permit and for Substantial Development Permit filed by the City of Kirkland, owner of the property described in said application, and located within the shoreline and/or associated wetlands of Lake Washington for the purpose of developing said property known as Marsh Park, and

WHEREAS, the application has been assigned for identification Department of Community Development File No. CUP-SDP-73-16(H), and submitted to the Houghton Community Council and to the Kirkland Planning Commission who, respectively, held public hearings thereon April 3, 1973 and April 12, 1973, and

WHEREAS, pursuant to Section .01(1) of Ordinance No. 2165 relating to the issuance of Substantial Development Permits, said bodies have recommended approval of the request for a Substantial Development Permit, and

WHEREAS, pursuant to Chapter 23.56 of Ordinance 2183, the Kirkland Zoning Ordinance, both bodies have recommended approval of a Conditional Use Permit, and

WHEREAS, both bodies have concluded that the proposed development meets the requirements for issuance of Conditional Use Permit and Substantial Development Permit, and the Kirkland Planning Commission did adopt certain Findings, Conclusions, Conditions and Recommendations approving issuance of both permits,

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

1. The Substantial Development Permit and the Conditional Use Permit applied for by the above-named applicant under File No. CUP-SDP-16(H) shall issue subject to the conditions set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the chairman thereof and filed in said file, which said Findings, Conclusions, Recommendations and Conditions are by this reference adopted by the Kirkland City Council as though fully set forth herein.

2. A certified copy of this resolution and order shall attach to and become a part of the Substantial Development Permit and of the Conditional Use Permit or evidence thereof delivered to the permittee.

3. Nothing in this permit shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed project other than as expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971.

4. Failure on the part of the holder of the Conditional Use Permit to initially meet or to maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance 2183, the Kirkland Zoning Code. The Substantial Development Permit may be rescinded pursuant to Section 14.(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any condition hereof.


5. Construction pursuant to this permit shall not begin or be authorized within 45 days of the date of its final approval by the local government, or until all review proceedings initiated within said 45 days from the date of final approval by local government have been terminated.


6. Pursuant to the Shoreline Management Act of 1971 and Section 8 of Ordinance 2165 of the City of Kirkland, certified or conformed copies of this resolution shall be delivered to the following:

- A. The applicant
- B. The Kirkland Department of Community Development
- C. The Kirkland Building Official
- D. The Department of Public Services for the City of Kirkland
- E. The Department of Fire Services for the City of Kirkland
- F. The Police Department of the City of Kirkland
- G. The Department of Ecology for the State of Washington
- H. The Office of Attorney General for the State of Washington.

7. Notwithstanding the recommendation heretofore given by the Houghton Community Council, the subject matter of this resolution and the Conditional Use Permit herein granted are, pursuant to Ordinance No. 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within 60 days from the date of its passage.

ADOPTED in regular meeting of the Kirkland City Council on the 7th day of May, 1973.

  
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Mayor

Attest:  
  
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Director of Administration and Finance  
(ex officio City Clerk)

Address: Dave Brink  
Kirkland Park Dept.

Resolution # 2177

TRANSMITTAL REPORT

REPORT PREPARED: April 27, 1973 FILE NO.: CUP-SPP-73-16(B)

NAME: City of Kirkland HEARING BODY: City Council

PROP. LOCATION: Waterfront Property in HEARING DATE: May 7, 1973  
6400 Block of Lake Wa.  
Boulevard.

SUBJECT: Conditional Use Permit and Substantial Development  
Permit Applications.

BACKGROUND ANALYSIS:

The Houghton Community Council and Kirkland Planning Commission both have recommended approval of this Conditional Use Permit and Substantial Development Permit as applied for. Their specific recommendation was that both permits be granted and that the rock bulkhead does meet local and state regulations.

They further recommended that this project would not have significant affects on the environment and therefore, an environmental impact statement not be required.

The recommendations of both groups were made specifically upon the Findings and Conclusions as included in the attached Administrative Report to the Kirkland Planning Commission dated April 4, 1973.

It seems apparent under the drawings proposed that there will be grading done on the property in excess of three feet. The Department of Community Development recommends that the issuance of a grading permit be allowed under the issuance of this Conditional Use Permit and Substantial Development Permit, in lieu of going through a similar process for an Unclassified Use Permit as required by Section 23.30.030(6) of the Kirkland Zoning Ordinance.

Report prepared by:

DEPARTMENT OF COMMUNITY DEVELOPMENT

*Kjell Stoknes*  
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 Kjell Stoknes

KS:bk

- Attachments:
- (1) Administrative Report dated 4/27/73.
  - (2) Site Plan showing existing conditions.
  - (3) Site plan showing proposed fill areas.
  - (4) Site plan showing proposed development.

ADMINISTRATIVE REPORT

REPORT PREPARED: April 4, 1973 FILE NO.: CUP-SDP-73-16(H)  
NAME: City of Kirkland HEARING BODY: Planning Commission  
PROPERTY LOCATION: 6400 block on West HEARING DATE: April 12, 1973  
side Lake Washington  
Boulevard  
SUBJECT: Conditional Use Permit and Substantial Development  
Permit Applications

BACKGROUND AND ANALYSIS:

The property under this application is located in Waterfront District I which requires a Conditional Use Permit be applied for and issued for Waterfront Parks. State and local requirements require a Substantial Development Permit also be applied for and issued, followed by a 45 day review period by the State.

- Approximately the southern two-thirds of this property is now open field, with the northern one-third containing concrete foundations on the dry land portion and some pilings where a pier has been in the wet-land portion.

The southern one-third is anticipated to be left as a grass bowl, with some fill to elevate it very slightly. The middle one-third of the property is proposed for a picnic area and the northern one-third a parking area for 3 cars, restrooms, picnic tables near the water, and a pier extending ± 60 feet using the existing pilings where possible. Most of the existing foundations on the dry land portion will be removed, with the exception of the concrete slab on the northeasterly portion of the site, which will receive another coat of asphalt for the parking area.

The extreme northern and southern portions of the park will be landscaped, and trees will be planted throughout the area, yet not block the view to the lake.

The Houghton Community Council, at their regular meeting of April 3, 1973, recommended approval of this Conditional Use Permit Application and Substantial Development Permit Application as requested.

FINDINGS:

1. Section 23.12.041 of Waterfront Districts allows waterfront parks with the issuance of a Conditional Use Permit. This section further requires that parks shall afford public access to the water and use of the water for a variety of recreational and leisure time activities.

2. Moorage facilities are considered to be necessary to other waterfront uses: (23.12.052)
  - a. All pier structures shall be floating or have deck elevations not more than two feet above high water level. (Creosote treatment is not permitted.)
  - b. Piers shall not extend beyond 250 feet from the high water line.
  - c. Piers shall not be closer than 10 feet to any property line.
  - d. No parking would be required for a pier.
3. Under a Conditional Use Permit, alteration of the shoreline is not permitted, except for single family dwelling units. (23.12.053, Waterfront Districts)
4. Page 45 of Waterfront: Plans and Programs states there is a need for additional public parks.
5. Page 45 of Waterfront: Plans and Programs states: an interim waterfront trail can be provided on publicly owned lands and rights-of-way until a water edge pedestrian and bicycle trail is developed.
6. Department of Ecology Final Guidelines, Page 14, allows bulkheads if:
  - a. They will not result in adverse effects on nearby beaches and will minimize alteration of the natural shoreline.
  - b. It will minimize damage to fish and shellfish habitats.
  - c. The effect on public access to publicly owned shorelands is considered.
  - d. They are designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
  - e. They provide protection to upland areas or facilities and not for the indirect purpose of creating land by filling behind the bulkhead.
7. The pier seems to meet the Department of Ecology "Final Guidelines", Page 16, in that it is not covered and is open to the public.
8. The park use seems to meet the Recreation criteria established on Page 17 of the Department of Ecology's Final Guidelines.

**CONCLUSION:**

This Conditional Use Permit application and Substantial Development Permit application for a park appears to meet all State and local regulations for issuance of the above permits, with the possible exception of the rock bulkhead. Reference bulkhead regulations:

1. Waterfront Districts: Page 52, Section 23.12.058
2. Department of Ecology: Page 14, bulkheads, Items (a)-(e).  
Final Guidelines

RECOMMENDATION:

Based upon the FINDINGS AND CONCLUSIONS, we recommend the Conditional Use Permit and Substantial Development Permit be granted, and a determination made if the rock bulkhead meets local and State regulations.

Further, it is our recommendation that this project would not have significant effects on the environment and therefore, an environmental impact statement not be required.

ACTION OF THE PLANNING COMMISSION:

The Planning Commission hereby makes the following recommendations: Adopt as is, or as modified, the FINDINGS, CONCLUSIONS and RECOMMENDATIONS set forth above.

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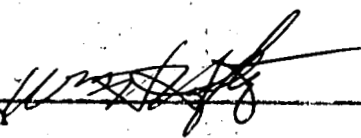
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 Chairman

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 Secretary