

RESOLUTION NO. 2185

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. SDP-CUP-73-18(P) BY CHARLES TINTLE FOR DEVELOPMENT OF VACANT PROPERTY SOUTH OF 1005 14TH PLACE WEST, 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 Charles Tintle, owner of the property described in said application, which property is located within the shoreline and/or associated wetlands of Lake Washington and Waterfront District WD-II, and

WHEREAS, the application has been assigned for identification Department of Community Development File No. SDP-CUP-73-18(P), and

WHEREAS, said application was submitted to the Kirkland Planning Commission, who held public hearing thereon on April 12, 1973 and thereafter adopted certain Findings, Conclusions, Conditions and Recommendations approving the issuance of both the Substantial Development Permit and the Conditional Use Permit,

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

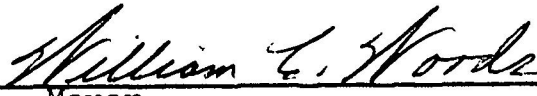
1. The Substantial Development Permit and the Conditional Use Permit applied for by the above-named applicant under Department of Community Development File No. SDP-CUP-73-18(P) shall issue subject to the conditions set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission which bear the signature of the chairman thereof and are filed in said file. 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 shall attach to and become a part 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 this 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 Ordinance. 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 the Substantial Development 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.

ADOPTED in regular meeting of the Kirkland City Council  
on the 21st day of May, 1973.

  
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Mayor

Attest:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Address: Chuck Tintle  
12244 SE 25th St.  
Bellevue, Wa. 98005

TRANSMITTAL REPORT

Report Prepared: May 15, 1973 File No.: SDP-CUP-73-18 (P)  
Name: Chuck Tintle Hearing Body: City Council  
Property Location: Vacant property south of 1005-14th Pl. W. Hearing Date: May 21, 1973  
Subject: Conditional Use Permit and Substantial Development Permit Applications

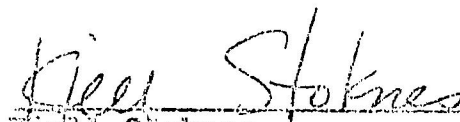
BACKGROUND AND ANALYSIS:

At their regular meeting of April 12, 1973, the Kirkland Planning Commission recommended the City Council grant the Conditional Use Permit and Substantial Development Permit applications as requested by the applicant according to the Findings, Conclusions and Recommendations of the Administrative Report dated April 4, 1973 (attached).

This report found that the proposed pier and rip-rap in front of the single family home did meet local and state regulations and that an environmental assessment or an environmental impact statement will not be required since it is not major or significant based on the guidelines issued under the State Environmental Policy Act.

Report prepared by:

DEPARTMENT OF COMMUNITY DEVELOPMENT

  
Kjell Stoknes  
Associate Planner

Attachments: 1. Administrative Report dated April 4, 1973.  
2. Vicinity and Contour Map.  
3. Corps of Engineers Map showing proposed pier.  
4. Resolution No. 2185.

ES:bk

Mailing Address: Chuck Tintle  
12244 S.E. 25th St.  
Bellevue, Wash. 9800

ADMINISTRATIVE REPORT

REPORT PREPARED: April 4, 1973 FILE NO.: SDP-CUP-73-18(P)  
NAME: Chuck Tintle HEARING BODY: Planning Commission  
PROPERTY LOCATION: Vacant property south of 1005 14th Pl. W. HEARING DATE: April 12, 1973  
SUBJECT: Conditional Use Permit and Substantial Development Permit Applications

BACKGROUND ANALYSIS:

The property owned by the applicant lies in a Waterfront District II zone which allows basically single family homes and accessory structures with the granting of a Conditional Use Permit. This is an application for a rock bulkhead and pier extending approximately 90 feet into the lake from the shoreline in order to reach a 6 foot draft. A 30 foot "L" is proposed extending to the north and will be approximately in line with the end of the dock of the adjacent property owner to the north. The main portion of the pier is proposed to be 10 feet from the south property line.

At the March 8, 1973 meeting, the Planning Commission granted Mr. Tintle a Conditional Use Permit to locate a single family home on this same site, under the guidelines of Waterfront District II. A substantial development permit was not required for the location of a single family home.

The applicant has applied to the Corps of Engineers for the proposed 90 cubic yards of rip rap and for the extension of the pier into the lake. The required plan for the Corps of Engineers is attached to the back of this report.

FINDINGS:

1. The proposed pier meets the guidelines of Waterfront District II under the granting of a Conditional Use Permit.
2. The pier extension will be 90 feet from the shoreline and will not extend beyond the point of the pier adjacent to the north.
3. The proposed pier extension of 90 feet is needed to obtain a 6 foot maximum draft.
4. The proposed pier meets the setback requirements from adjacent property line.

All pier structures shall be either floating or have deck elevations not more than 2 feet above high water level. (Creosote treatment of any pier components shall not be permitted.)

6. Alteration of the shoreline is not permitted without a Conditional Use Permit except for single family dwelling unit. The alteration shall then be processed as a Conditional Use Permit subject to the provisions of Waterfront District II.
7. There are no watercourses going through the property nor are any trees proposed to be cut.
8. The existing shoreline contains a partial dilapidated bulkhead.
9. It should be determined by the Department of Community Development or Planning Commission whether this proposal has significant effects upon the environment and therefore whether or not an Environmental Impact Statement should be required.
10. The Washington State Department of Ecology Final Guidelines of the Shoreline Management Act require the following:
  - "a. Bulkheads: (1) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse affects on nearby beaches and will minimize alterations of the natural shoreline. (2) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shell life habitats. (3) Consider the effect of a proposed bulkhead on public access to publicly owned shorelines. (4) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline. (5) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead.
  - b. Piers: (1) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created. (2) Open pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired. (3) Master program should address the problem of the proliferation of single purpose private piers and should establish criteria for their location, spacing and length. The master program should also delimit geographic areas where pile piers will have priority over floating docks. (4) In providing for boat docking facilities in the master program, local government should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spills."

CONCLUSION:

In conclusion, the proposed Conditional Use Permit and Substantial Development Permit for the location of a pier and 90 cubic yards of rip rap bulkhead appears to meet the criteria for granting of same both under local and State regulations. Specifically, the pier meets all setback requirements of local regulations, being 10 feet from the south property line and extending less than 250 feet into Lake Washington. (The pier extension is actually 90 feet.)

alteration of the shoreline is permitted under a Conditional Use permit for single family dwellings, and this is allowed under Waterfront District II, Section 23.13.053.

State guidelines for bulkheads require that they be constructed in such a manner that will not add adverse effects on nearby beaches, will minimize alterations of the natural shoreline, will not detract from the aesthetic qualities of a shoreline, and be permitted only where they provide protection to upland areas and facilities and not for the direct purpose of creating land by filling behind the bulkhead. It is our feeling that this bulkhead will not have adverse effects on nearby beaches, that this is now not a natural shoreline, the rip rap will not detract from the aesthetic qualities of the shoreline since it is not highly visible, and the bulkhead is designed to provide protection from continued erosion of the land, and not for the indirect purpose of creating land by filling behind the bulkhead.

The Washington State Department of Ecology's Final Guidelines for the Implementation of the Shoreline Management Act requires that the use of floating docks be encouraged where scenic values are high and where conflicts occur with recreational boaters and fishermen. They encourage open piers where shore trolling is important and where there is significant littoral drift and where scenic values will not be impaired, they also recommend master programs should address the problem of the proliferation of single purpose private piers and develop criteria for their location, spacing and length and that local government plans should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.

In order to judge if an environmental impact statement will be required, the action should be evaluated to determine if it is "major" and if so, whether it will significantly affect the quality of the environment.

#### RECOMMENDATION:

We recommend that no environmental impact statement be required on this application since it is not a "major action" based on the following:

1. The action does not involve an extensive commitment.
2. The action is not likely to be highly controversial.
3. The action does not constitute an initial commitment which may lead to other actions resulting in an extensive commitment.
4. The action does not constitute a precedent setting action which may later be used to justify the same action on other or larger proposals.

This action further does not have significant effects based upon the following:

1. The action does not pose a hazard to health or safety.
2. An accumulation of process impacts is not extensive (it would not tend to affect the rate of change in the environment.)

The accumulation of quantity impacts is not extensive. (It does not tend to curtail the range of beneficial uses of the environment.)

An accumulation of quality impacts is not extensive. (It does not tend to degrade the quality of environment).

- 5. An accumulation of any combination of impacts is not extensive. (The majority of Waterfront District II already has existing bulkheads.)

We recommend that this application be granted based on conformance with the requirements of the local Waterfront Districts Zoning and that it meets the spirit and intent of the final guidelines of the Shoreline Management Act.

ACTION OF THE PLANNING COMMISSION:

The Planning Commission hereby makes the following recommendation: Adopt as is, or as modified, the findings, conclusions and recommendations as set forth above.

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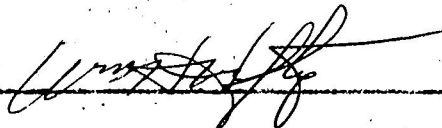
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 Chairman

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Director of Department of Community Development