

RESOLUTION NO. R- 2385

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-76-41(P) BY MARTIN FOY TO CONSTRUCT A PRIVATE PIER, BEING WITHIN A WATERFRONT DISTRICT NO. II ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Martin Foy, the owner of said property described in said application and located within a Waterfront District II zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 12, 1976, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Conditional Use Permit subject to the specific conditions set forth in said recommendations.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. CUP-76-41(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Conditional Use Permit or evidence thereof delivered to the permittee.



Section 4. Nothing in this section 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 expressly set forth herein.

Section 5. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.100 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 7th day of September, 1976.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



Findings, Cont'd

E. PUBLIC UTILITIES: (Not applicable)

F. NEIGHBORHOOD CHARACTERISTICS:

11. Zoning. The subject property is zoned Waterfront District II as are all other properties north of the Central Business District to Juanita Bay. Properties located to the east of Waverly Avenue are generally classified as Residential Single Family 7,200 square feet minimum lot size.
12. Land Use. The land use to the north of the subject property is single family as are all properties in the adjacent area.

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

13. The applicant has submitted an environmental worksheet which did receive a negative declaration from the Responsible Official on June 10, 1976.
14. The following are policies from the Kirkland Shoreline Master Program which are applicable to this action:
  - a. Components in or near the water should not be constructed from materials which have significantly adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife. (Components Policy No. 1)
  - b. Permitted components should be designed to permit normal circulation of water, sediments, fish, and other aquatic life in and along the water's edge. (Components Policy 3.)
  - c. Construction of new or expanded piers may be permitted for the moorage of private pleasure craft, however the size and extent of the pier should not exceed that which is required for the water dependent purpose for which it is constructed. Further, adjoining waterfront property owners should be encouraged to share a common pier. (Piers and Moorages Policy No. 1)
15. The following items are listed from the Kirkland Waterfront District Zoning Ordinance regarding construction of new or extended piers:
  - a. All pier structures shall be either floating or have deck elevations not more than 2 feet above the high water level. Creosote treatment of pier components shall not be permitted. (Section 23.12.053(7)(a) ).

8/12/76  
7/15/76

Findings, Cont'd

- G. 15. b. Piers or any moorage shall not be closer than 10 feet from any property line. Piers may be built on or straddling the common side property line of the two adjoining owners' property by the mutual agreement of the adjoining owners' acknowledged as a deed and recorded with the King County Auditor. (23.12.053.a. (b) ).
  - c. All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. The lighting plan shall be approved as part of the Conditional Use Permit. (23.12.053.a.(e) .)
  - d. No buildings, structures or other manmade elements are to be constructed beyond the high water line with the exception of boat moorages, and whereas the boat moorage shall not exceed beyond 250 feet from the high water line. (Section 23.12.062).
16. Washington Administrative Code, Chapter 173-14 (Amendments effective January 2, 1976): WAC 173-14-040 Exemptions from the Permit System (a) "Construction of a dock, designed for pleasure craft only, for the private non-commercial use of the owners, leasee, or contract purchaser of a single family residence, the cost or fair market value, whichever is lower, does not exceed \$2500."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit is generally consistent with the requirements of the Kirkland Zoning Ordinance and Shoreline Master Program as specified below.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

2. Kirkland Building Department. Plans for dock construction must be prepared and submitted by a registered engineer.
3. The applicant should be required to obtain approval from all applicable state and federal agencies for construction of the proposed pier.

D. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. The existence of a relatively slight slope leading along the shoreline bottom and the expected water depth at the end of a 84 foot pier of 8 feet, is the main reason submitted for the length of the pier.

8/12/76  
7/15/76



DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE August 12, 1976  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

*John Cushing*  
 John Cushing, Chairperson

FILE NUMBER CUP-76-35(P)  
 APPLICANT MARTIN FOY  
 PROPERTY LOCATION 1300 8th St. W.  
 SUBJECT Application for Conditional Use Permit to develop an 84 foot pier.  
 HEARING/MEETING DATE \_\_\_\_\_  
 BEFORE \_\_\_\_\_

EXHIBITS ATTACHED "A" Application "B" Letters of 3/5/76 & 5/10/76 to John Adams "C" Environmental Worksheet "D" Notarized Construction Costs "E" Vicinity Map "F" Site Plan/Pier Cross Sections

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to construct a dock extending 84 feet into Lake Washington located at 1300 8th St. W. (Exhibit "E" - Vicinity Map).
2. The applicant proposes a 15 foot setback from the south property line, and approximately a 35 foot setback from the north property line. The dock decking is proposed to be 2 feet above the high water line (Exhibit "F" - Site Plan)
3. Justification. This request is justified by the applicant in the following: "My neighbor to the north has a pier 96 feet long. My neighbor to the south has a pier 66 feet long. My pier must be 84 ft. long to get 8 ft. of water (H.W.L.). The joint use of my neighbors' piers is impractical."

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

4. The Kirkland Building Department. Plans for dock construction must be prepared and submitted by a registered engineer.
5. The approval of this application does not obviate the requirement of the application to obtain approval from all other applicable state and federal agencies for construction of the proposed pier.

D. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The approximate foreshore slope where the pier would be constructed is approximately 10%.
7. Soils. Local soil mapping indicates the subject property to be located within a coastal beach (CB) classification. These soils are of erosional deposits and are too variable for general analysis.
8. Geology. Local geologic mapping indicates the subject property to be located within a Vashon Till (Qt) unit.
9. Hydrology. The proposed pier is to be constructed over Lake Washington.
10. Flora/Fauna. This particular area is not used as a nesting area for waterfowl. The Kirkland Shoreline Master Program indicates this area to have a good rating for Sockeye Salmon beach spawning area.

APPLICATION FOR A CONDITIONAL USE PERMIT

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant W. Adams Fox Phone MA 46550

Company Name ARCHIT

Mailing Address SWITCH TOWN CITY SQUARE ZIP 98104

The undersigned applicant(s) is(are) the owners of the property described as follows: SFH ATZCA

MAY 14 1976

RECEIVED  
PLANNING DEPARTMENT

The above property was acquired by the applicant on the 11 day of NOV, 19 75. The present zoning is AOOT.

1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above:

GRS - SINGLE FAMILY RESIDENTIAL AREA  
WITH SINGLE PARCELS  
IN THE  
APR 27 1975

2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate the application for approval or denial.

EXHIBIT "A"  
APPLICATION  
CUP-76-35(P)  
Martin Foy  
(Answer on following page)  
(Over)

3. Is the use or modification requested by this application for the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

STATE OF WASHINGTON )  
COUNTY OF KING )  
CITY OF KIRKLAND )

AFFIDAVIT

W Adams Fox, being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

W Adams Fox  
(Owner)

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 19 76.

Robert C. Hall  
Notary Public in and for the  
STATE OF WASHINGTON, residing at  
1000 1st St.

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Martin Foy  
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Martin Foy  
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Conclusions, Cont'd

- D. 5. Soils/Geology/Hydrology/Flora and Fauna. The above considerations would not impose a constraint upon reaching a positive or negative decision on this proposal.
- E. PUBLIC UTILITIES:(Not applicable)
- F. NEIGHBORHOOD CHARACTERISTICS:
- Zoning.
6. Development of this pier would be consistent with the zoning rights on the subject property and it appears that it would not interfere with the development and usage of adjacent property.
7. Land Use. Development of this pier would be consistent with adjacent pier developments along this portion of Lake Washington.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
8. This application is consistent with the following sections of the Kirkland Shoreline Master Program regarding a proposed pier which would
- a. not significantly effect water quality, vegetation, fish and/or wildlife (Components Policy #1);
  - b. permit normal circulation of water, sediments, etc. (Components Policy #3); and
  - c. provide 6 feet of water depth during the winter months when the lake is 2 feet lower than Mean High Water level. (Piers and Moorage Policy #1).
9. This application is consistent with the following sections of the Kirkland Waterfront District Zoning Ordinance No. 2206.
- a. The proposed pier would have a deck elevation of 2 feet above the high water line. The applicant has not stated type of material used. However, creosote treatment would not be permitted.
  - b. Proposed pier will not be closer than 10 feet from a property line and the applicant has indicated that joint use of a pier would be impractical.
  - c. The applicant has proposed a navigational light on the end of the pier so as to not create a hazard to navigation.

Conclusions, Cont'd

- G. 9. d. Overwater construction for boat moorage is a permitted use and the proposed pier will not extend more than 84 feet into Lake Washington.
10. This application will not be subject to Shoreline Management, Substantial Development Permit process due to the fact that the bid cost for the construction of the proposed pier will not exceed \$2500. (Exhibit "B" - Copy of bid for proposed pier).
11. The applicant is inconsistent with the following section of the Kirkland Shoreline Master Program:
- Piers and moorage portion of the Components Element, Policy No. 1, No. 3. Sharing of common pier is not proposed due to the reasons set forth by the applicant in Exhibit "B".

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, and as identified in Exhibits "A" through "F", we hereby recommend that this application for a Conditional Use Permit be approved subject to the following:

1. Plans for dock construction must be prepared and submitted by a registered engineer.
2. This approval does not obviate the requirements of the applicant to obtain approval from all other applicable state and federal agencies for construction of the proposed pier. Department of the Army, Corps of Engineers, is the state and federal clearing house for applications for piers and moorages.
3. The dock shall not extend further than 84 feet into Lake Washington or to a maximum water depth of 8 feet at mean high water level, whichever is less.