

RESOLUTION NO. R- 2415

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-76-81(H), BY HAL WYMAN TO CONSTRUCT A MOORING PIER TO EXTEND 60 FT. INTO LAKE WASHINGTON AT 6735 LAKE WASHINGTON BOULEVARD N.E.

BEING WITHIN A WDI ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit and Substantial Development Permit filed by Hal Wyman, the owner of said property described in said application and located within a WDI zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings, thereon at their regular meetings of January 4, 1977 and January 13, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ord. No. 0-2319 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 and Houghton Community Council after their public hearings 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 and Substantial Development 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 Chairman thereof and filed in the Department of Community Development File No. CUP-SDP-76-81(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit and Substantial Development 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 and

Substantial Development 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, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Conditional Use Permit and Substantial Development Permit shall not begin or be authorized within 30 days of the date of its final approval by the local government or until all review proceedings initiated within said 30 days from the date of final approval by local government have been terminated.

Section 5. Failure on the part of the holder of the Conditional Use Permit and Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance. This 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.

Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit and Substantial Development Permit herein granted are, pursuant to Ordinance 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 of the date of the passage of this Resolution.

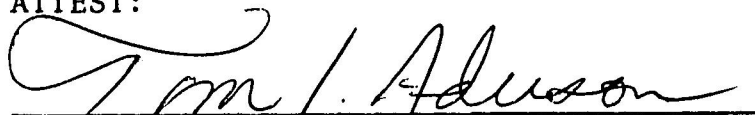
Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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
- (h) The Department of Ecology for the State of Washington
- (i) The Office of the Attorney General for the State of Washington.

ADOPTED in regular meeting of the City Council on the 7th  
day of February, 1977.

  
\_\_\_\_\_  
Mayor, pro tem

ATTEST:

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

Findings, Cont'd

- D. (Cont'd)
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 water fowl. The Kirkland Shoreline Master Program indicates this area to have a marginal rating for Sockeye Salmon beach spawning area.
  - E. PUBLIC UTILITIES: (Not applicable)
  - F. NEIGHBORHOOD CHARACTERISTICS:
    11. Zoning. The subject property is zoned Waterfront District I as are properties to the north and the south of the site. To the east of Lake Washington Boulevard is a mixture of zones, including Neighborhood Business, RM-1800, and RS 8.5.
    12. Land Use. The subject property is currently used as a single family residence. Surrounding the property is a mix of single family residences, apartments, and condominiums. Approximately 200 feet south of the site is Marsh Park.
  - G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
    13. 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 No. 2)
      - 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)
    14. The following items are listed from the Kirkland Waterfront Districts Zoning Ordinance regarding construction of new or extended piers:
      - a. All pier structures shall be either floating or have elevations of 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)).

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Findings, Cont'd

- G. 14. (Cont'd)
- 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 two adjoining owners property by the mutual agreement of the adjoining owners acknowledged as a deed and recorded with the King County Auditor. (Section 23.12.053(7)(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. (Section 23.12.053(7)(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 will not exceed beyond 250 feet from the high water line. (Section 23.12.062).
15. The Washington Administrative Code, Chapter 175-14(A) Amendments effective January 2, 1976): WAC 175-14-040 Exemptions from the Permit System (a)  
"Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single family residence, the cost or fair market value, which ever 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.
  - B. HISTORICAL BACKGROUND: (Not applicable)
  - C. GOVERNMENTAL COORDINATION:
    2. Kirkland Building Department. Plans for pier construction must be prepared and submitted by 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/Soils/Geology/Hydrology/Flora/Fauna. The above considerations would not impose a constraint upon reaching a positive or negative decision on this proposal.
  - E. PUBLIC UTILITIES: (Not applicable)

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE January 15, 1977  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

*David Russell*  
David Russell, Chairperson

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_  
 FILE NUMBER CUP-SDP-76-81(H)  
 APPLICANT HAL WYMAN  
 PROPERTY LOCATION 6735 Lake Wa. Blvd. N.E.  
 Conditional Use Permit and Substantial Development Permit for  
 construction of a 60-foot pier for private use.  
 SUBJECT \_\_\_\_\_  
 HEARING/MEETING DATE February 7, 1977  
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application for SDP "B" Application for CUP  
 "C" Legal Description "D" Environmental Information "E" Vicinity Map  
 "F" Site Plan "G" Existing Conditions

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to construct a mooring pier extending 60 feet into Lake Washington at 6735 Lake Washington Boulevard N.E. (Refer to Exhibit "E" - Vicinity Map).
2. The applicant proposes an 18 foot setback from the south property line, and a 25 foot setback from the north property. The pier decking is proposed to be 2 feet above the high water depth of 8 feet. (See Exhibit "F" - Site Plan).
3. Approval of this application will constitute a "major action" under the provisions of RCW 43.21C and WAC 197-10. The applicant submitted an environmental checklist with the application. After reviewing the environmental checklist, the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality of the environment and that an environmental impact statement is not required (on November 5, 1976). After the lapse of 15 days following the threshold determination and after reviewing comments submitted by interested parties, the Director of the Department of Community Development, on November 22, 1976, (Refer to Exhibit "D"), adopted the proposed declaration as a final declaration of non-significance.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

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

D. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The slope where the pier would be constructed is approximately 10%.
7. Soils. Local soil mapping indicates the subject property to be located within an Arenas, Alderwood material (AmC) classification. This soil is normally used for urban development.
8. Geology. Local geologic mapping indicates the subject property to be located within a Vashon Till (Qt) unit.

APPLICATION FOR SUBSTANTIAL DEVELOPMENT PERMIT

RECEIVED

Application No. \_\_\_\_\_
Name of Local Government City of Kirkland
Date Received NOV 1 1970
Approved Denied
Date \_\_\_\_\_

TO THE APPLICANT: This is an application for a substantial development permit and is authorized by the Shoreline Management Act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

- 1. Name of applicant HAL WYMAN
2. Mailing address 6735 LAKE WASHINGTON BOULEVARD N.E.
3. Relation of applicant to property:
Owner X
Purchaser X
Lessee
Other

4. Name and address of owner, if other than applicant \_\_\_\_\_

5. General location of proposed project Section 8 Twp 35N R 5E W4M (section to the nearest quarter)

Government lot 3 section, township, and range)

6. Name of water area and/or wetlands within which development is proposed Lake Washington

7. Current use of the property with existing improvements HOME

8. Proposed use of property HOME AND MOORING PIER
EXHIBIT "A" APPLICATION FOR SDP CUP-SDP-76-81(H) Hal Wyman

(over)

environmental impact statement). Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any):

10. (To be completed by local official from information provided by applicant in Site Plan 4 as required.) In the event that any of the proposed buildings or structures will exceed a height of thirty feet above the existing grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view.

N/A

11. (a) Total cost or fair market value of the project for which this permit is requested. (If further development is planned beyond that described in this application, then also state the total value of all contemplated development and attach a brief description of the additional work to the application, including the projected construction dates for such work) \$2800.00

(b) Construction dates for which permit is requested:

Begin \_\_\_\_\_ End \_\_\_\_\_

12. Does this project require a shoreline location? Please explain: MOORING PIER FOR A DOCK

13. List any other permits for this project from state, federal or local governmental agencies for which you have applied or will apply, including the name of the issuing agency, whether the permit has been applied for, and if so, the date of the application, whether the application was approved or denied and the date of same, and the number of the application or permit:

STATE OF WASHINGTON DEPT. OF ECOLOGY AND CORPS OF ENGINEERS

Conclusions, Cont'd

F. NEIGHBORHOOD CHARACTERISTICS:

5. Zoning. Development of this pier would be consistent with the zoning rights on the subject property in that it appears that it would not interfere with the development and usage of adjacent property.
6. Land Use. Development of this pier would be consistent with other pier developments along this portion of Lake Washington.
6. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
  7. This application is consistent with the following sections of the Kirkland Shoreline Master Program regarding a proposed pier which would:
    - a. Not significantly affect water quality, vegetation, fish and/or wildlife (Components Policy No. 1);
    - b. Permit normal circulation of water, sediments, etc. (Components Policy No. 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 No. 1).
8. This application is consistent with the following sections of the Kirkland Waterfront Districts Zoning Ordinance No. 2206:
  - a. The proposed pier would have a deck elevation of 2 feet above the high water depth of 8 feet. The applicant has not stated the type of material used. However, creosote treatment would not be permitted.
  - b. The proposed pier will not be closer than 10 feet from the property line.
  - c. Overwater construction for boat moorages is a permitted use and the proposed pier will not extend more than 60 feet into Lake Washington.

9. This application will be subject to the Shoreline Management, Substantial Development Permit process due to the fact that the cost for the construction of the proposed pier will be approximately \$2800. The applicant is inconsistent with the following section of the Kirkland Shoreline Master Program: Piers and Moorage portion of the Components Element, Policy No. 3, which reads  
"Adjoining waterfront property owners should be encouraged to share a common pier."

Sharing a common pier is not proposed.

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RECOMMENDATIONS

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

1. Plans for pier construction must be prepared and submitted by a registered engineer and building materials used shall not be creosote treated.
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 Army, Corps of Engineers is the state and federal clearing house for applications for piers and moorages.
3. The pier shall not extend further than 60 feet into Lake Washington, or exceed a water depth of 8 feet at the high water line.

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