

RESOLUTION NO. R-2455

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 DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-77-50(P) BY MICHAEL STARKO TO CONSTRUCT A PRIVATE MOORING PIER BEING WITHIN A WD#2 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Substantial Development Permit filed by Michael Starke, the owner of said property described in said application and located within a WD#2 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 25, 1977, 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 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 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-77-50(P) are adopted by the Kirkland City Council as though fully set forth

Section 2. The 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 and further conditioned upon moving the proposed pier five feet northward such that the setback from the south property line would be 20 feet.

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 Substantial Development Permit or evidence thereof delivered to the permittee.

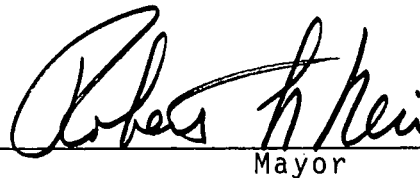
Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the 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 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. Certified or conformed copies of this Resolution shall be delivered to the following:

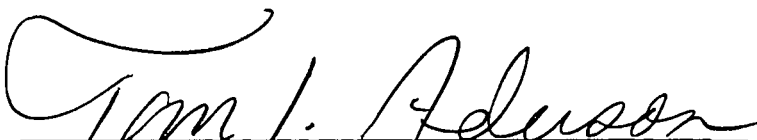
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 6th day of September, 1977.

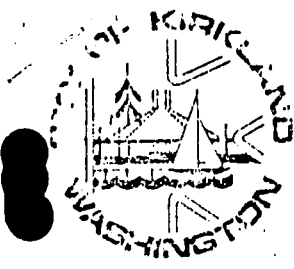


Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

RECOMMENDED BY _____ DATE August 25, 1977

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION David Russell ^{C.T.}
David Russell, Chairman

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-SDP-77-50(P)

APPLICANT Michael Starko

PROPERTY LOCATION 2055 Rose Point Lane

SUBJECT Application for Conditional Use Permit for a mooring pier

HEARING/MEETING DATE September 19, 1977

BEFORE City Council

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to construct a mooring pier extending 78 feet into Lake Washington at 2055 Rose Point Lane. (Refer to Exhibit "B" - Vicinity Map).
2. The applicant proposed a Y-shaped pier with a maximum width of 30 feet. This proposed pier will replace an existing pier. A 15 foot setback from the south property line and a 49½ foot setback from the north property line are proposed. The pier decking is proposed to be two feet above the high water depth of seven feet. (See Exhibit "C" - 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 June 27, 1977). After the elapse of 15 days following the threshold determination and after reviewing comments submitted by interested parties, the Director of the Department of Community Development, on July 12, 1977, 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 7%.
7. Soils. Local soil mapping indicates the subject property to be located within an Indianola material (InC) 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.

Findings, Continued

- 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 good rating for Sockeye Salmon beach spawning. Sockeye Salmon have been observed spawning in this area.
- E. PUBLIC UTILITIES: (Not applicable)
- F. NEIGHBORHOOD CHARACTERISTICS:
11. Zoning. The subject property is zoned Waterfront District II as are properties to the north, south and east of the site.
12. Land Use. The subject property is currently used as a single family residence. The properties to the north and south are used as single family residences. East of the subject property is the Juanita Golf Course.
- 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 two feet above the high water level. Creosote treatment of pier components shall not be permitted. (Section 23.12.053(7)(a)).
 - b. Piers or any moorage shall not be closer than ten feet from any property line. Piers may be built on or straddling the common side property line of two adjoining owners property by the

Findings, Continued

G. 14. b. mutual agreement of the adjoining owners acknowledged as a deed and recorded with the King County Auditor.
(Section 23.12.053(7)(b)).

c. No buildings, structures, or other manmade elements are to be constructed beyond the high water line with the exception of boat moorages, and the boat moorage will not exceed beyond 250 feet from the high water line.
(Section 23.12.062).

15. The 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 noncommercial use of the owners, lessee, 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.

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. The applicant should consult the Washington Department of Fish and Game concerning the timing of construction so as to minimize disruption to salmon spawning.

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7/27/77 jp

Conclusions, Continued

- E. PUBLIC UTILITIES: (Not applicable)
- 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.
- G. 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 six feet of water depth during the winter months when the lake is two 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 two feet above the high water depth of seven 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 ten feet from the property line.
 - c. Overwater construction for boat moorages is a permitted use and the proposed pier will not extend more than 78 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 \$5900. 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.

RECOMMENDATIONS:

Subject to the foregoing Findings, Conclusions and Exhibits "A" through "C", 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 78 feet into Lake Washington or exceed a water depth of seven feet at the high water line.
4. The applicant shall consult with the Washington Department of Fish and Game concerning the timing of construction so as to minimize disruption to salmon spawning.
5. The applicant shall have the flexibility to add a breakwater to the pier structure.

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