RESOLUTION NO. R-2758

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CZ-SD-80-45 BY BARNEY GRANGER TO CONSTRUCT A SINGLE FAMILY PIER, BEING WITHIN A WATERFRONT DISTRICT I 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 Barney Granger, the owner of said property described in said application and located within a Waterfront District I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 4, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-2319 concerning environmental policy and the State Environmental Policy Act, an environmental checklist 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 checklist 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 checklist 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, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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. CZ-SD-80-45 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development Permit shall be issued to the applicant subject to the conditions set forth in the 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 Substantial Development Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this resolution 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 RCW 90.58.140(8). The local procedure for revocation shall substantially follow the procedure set forth in Section 23.56.110 of Ordinance 2183.

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) Fire and Building Department of the City of Kirkland
(d) Project and Construction Management Department of the City of Kirkland
(e) Public Service Department of the City of Kirkland
(f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
(g) The Department of Ecology for the State of Washington
(h) The Office of the Attorney General for the State of Washington.

ADOPTED in regular meeting of the City Council on the 15th day of September, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 15th day of September, 1980.

Mayor

ATTEST:

Director of Administration & Finance
(ex officio City Clerk)

CITY OF KIRKLAND WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY DATE _____

XX RECOMMENDED BY DATE September 4, 1980

___ ADOPTED BY DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Kay Haenggi

Kay Haenggi, Chairperson

___ CITY COUNCIL AS INCORPORATED IN

___ RESOLUTION ___ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER SD-80-45

APPLICANT Barney Granger

PROPERTY LOCATION 1011 Lake St. So.

SUBJECT SUBSTANTIAL DEVELOPMENT PERMIT to construct a single-family pier and moorage buoy.

HEARING/MEETING DATE September 15, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Proposed Pier Plan "D" SEPA Information

R-2758

I. SUMMARY:

A. Description of the Proposed Action.

This is an application for a Substantial Development Permit to construct a single family pier in Waterfront District I. The subject property is located at 1011 Lake Street South. The applicant is proposing a pier which will reach a length of 70 feet as measured from the high water line, with the draft of 12 feet at the westerly end of the pier. The major issues involved with this application are compliance with the State Environmental Policy Act and the criteria set forth in the Shoreline Master Program.

B. Recommendations

Based on the Statements of Fact, Conclusions, and Exhibits "A" through "D" included with this report, we hereby recommend approval of this application for Substantial Development Permit, subject to the following conditions:

The moorage buoy is not approved.

II. MAJOR ISSUES, FACTS, AND CONCLUSIONS:

A. State Environmental Policy Act

1. Statement of Fact.

a. The applicant submitted a completed Environmental Checklist on July 7, 1980, for a mooring buoy and pier.

b. A Final Negative Declaration was issued by Jerry Link, Responsible Officer, on July 8, 1980.

2. Conclusions.

The proposal will not create an adverse impact on the environment.

B. Shoreline Master Program - Urban Environments/Urban Waterfront District.

1. Statements of Fact. The subject property is located in the urban Waterfront District, as designated in the Shoreline Master Program.

Policy 2A--Preference should be given to those uses or activities which depend on a shoreline location or provide public access to the shoreline while minimally disrupting the natural amenities of the lake.

2. Conclusions. The proposal is a water dependent use, which receives high priority in the policies of the Shoreline Master Program.

C. Shoreline Master Program - Components.

1. Statements of Fact. Components or structures are modifications which are either required by or are accessory to a shoreline use or activity. More specifically, components include buildings, bulkheads, dredging, filling, piers and moorages, utilities, boat launching facilities, parking and signs.

Policy 1. Components in or near the water should not be constructed from materials which have significant adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife.

Policy 3. Permitted components should be designed to permit normal circulation of water, sediments, fish and other aquatic life in or along the water area.

2. Conclusions.

Components used in the construction of this pier should not have a significant adverse impact on the quality of the lake water or aquatic life.

D. Shoreline Master Program - Piers and Moorages

1. Statements of Fact.

Policy 1 - Construction of new or expanded piers may be permitted under the following criteria:

a. Piers should be allowed only for moorage of pleasure craft, for water-dependent recreation, marinas, boating clubs, or for required public health or safety vessels.

b. Temporary moorages may be permitted for vessels used in the construction of shoreline facilities.

c. Adjoining waterfront property owners should be encouraged to share a common pier.

d. The size and extent of a pier should not exceed that which is required for the water-dependent purposes for which it is constructed.

e. In multi-family condominium developments the ratio of moorage berths to residential units should be some fraction less than one.

f. Other relevant factors.

Policy 2. The use of buoys for moorages should be considered as an alternative to the construction of piers for residences for this purpose. Such buoys should be placed as close to shore as possible in order to minimize hazards to navagation.

2. Conclusions.

a. The proposed pier and buoy is for use of the single family residence on the subject property.

b. There are existing piers to the south of the subject property, thereby making it difficult for adjoining waterfront property owners to share a common pier.

c. Since most single-family residences do not own 3 boats, moorage for 3 boats is unnecessary. Therefore, the buoy should not be allowed. The proposed pier alone is adequate for single-family moorage.

d. An alternative to construction of the proposed pier is the use of buoys off shore for moorage, as described in Policy 2. Both piers and buoys are allowed uses of the water under the Shoreline Master Program in the Kirkland Zoning Ordinance. Mr. Granger has proposed both a buoy and a pier.

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III. BACKGROUND

Description of Neighborhood.

A Single family home and pier exists directly to the south of the subject property, each having a pier. Other single-family residences lie further to the south. The property to the north is presently vacant.

IV. ALTERNATIVES

As outlined in Policy 2 of the piers and moorages section of the Shoreline Master Program, an alternative to construction of the proposed pier is construction of a moorage buoy, the applicant has proposed both a pier and buoy and only one moorage is appropriate.

V. DEVELOPMENT STANDARDS

Kirkland Municipal Code

1. Statements of Fact. Consideration by the Planning Commission and City Council includes the following criteria in granting a Substantial Development Permit:

   The City Council declares that the interests of all the people shall be paramount in the management of shorelines both statewide and local significance. The Planning Commission and the City Council in considering permit applications for Substantial Development shall give preference to uses in the following order of preference which:

   1. Recognize and protect the local interests as they have been defined and declared in the waterfront element of the Comprehensive Plan as adopted in Ordinance No. 2160 (old ordinance);

   2. Preserve the natural character of the shoreline;

   3. Result in long term over short term benefits;

   4. Protect the resources and ecology of the shoreline;

   5. Increase public access to publicly owned areas of the shoreline;

6. Increase recreational opportunities for the public in the shoreline.

In the implementation of this policy:

1. The use requested shall be in conformity with the adopted comprehensive plan, the zoning ordinance, the provisions of this chapter, RCW 90.58, and the public interest. The burden to prove that the development meets the criteria of the Shoreline Management Act of 1971 rests with the applicant.

2. Conclusions

a. The proposal recognizes and protects local interests as defined in the Shoreline Master Program.

b. No alteration to the shoreline is occurring, therefore the natural character of the shoreline is being preserved.

c. The proposal will result in a long term benefit for the applicant, providing moorage space for the future.

d. The resources and ecology of the shoreline are being preserved. No dredging or other alteration of the shoreline will be occurring.

e. The proposal does not increase public access to publicly owned areas of the shoreline.

f. The proposal does not increase recreational opportunities for the public in the shoreline.

VI. APPENDICES:

Exhibits "A" through "C" are attached.

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