

RESOLUTION NO. R-2759

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. CZ-SD-80-45, BY BARNEY GRANGER TO CONSTRUCT A PIER BEING WITHIN A WATERFRONT DISTRICT I 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 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 hearing thereon at their regular meeting of September 4, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 Conditional Use 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 Chairman 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 Conditional Use 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 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 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 23.56.110 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) Fire and Building Departments of the City of Kirkland
- (d) Project and Construction Management Department of the City of Kirkland
- (e) Public Services 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.

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 and Finance  
(Ex officio City Clerk)

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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 CZ-80-45

APPLICANT BARNEY GRANGER

PROPERTY LOCATION 1011 Lake St. So.

SUBJECT ZONING CONDITIONAL USE 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 - See SD-80-45)

I. SUMMARY

A. Description of Proposed Action

This is an application for a Zoning Conditional Use Permit for construction of a 70 foot long pier, and a moorage buoy located at 1011 Lake Street South within Waterfront District I. The pier reaches a depth of 12 feet at its western end. A Substantial Development Permit is also required.

Major issues are: The State Environmental Policies Act, length and depth of the pier, and compliance with Conditional Use Permit criteria.

B. Recommendations

Based upon the Statements of Fact, Conclusions and Exhibits "A" through "D" attached, we recommend approval of this application, subject to the following conditions:

1. The moorage buoy is not approved.
2. Prior to the issuance of a Building Permit:
  - a. The applicant shall submit design and location of a single waste receptacle for the pier. This receptacle shall be covered, and designed as an integral part of the pier structure, and shall be secured from being overturned by winds or waves.
  - b. The applicant shall submit a lighting plan providing for adequate lighting on the pier. The light source shall be directed away and shielded from adjoining properties. The design and location of this lighting shall be approved as part of the Building Permit application.
3. The address of the subject property shall be placed at the end of the pier and visible from the water.
4. Components used in the construction of this pier shall not have a significant adverse impact on the quality of the lake water or aquatic life.

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5. The pier is for the exclusive use of the occupant or guests of the single family structure located on the subject property, for pleasure craft only.
6. Building permit plans must be stamped by Washington State licensed structural engineer.

## II. MAJOR ISSUES, FACTS, 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. Length and Depth

#### 1. Statements of Fact.

- a. The proposed pier is 70 feet long and reaches a maximum depth from high water line to lake bottom, of 12 feet. Maximum length allowed by the Zoning Ordinance (without a Planned Unit Development) is 250 feet. There is no maximum depth stipulated.
- b. The shoreline drops quickly within approximately the first 12 feet from dry land.

#### 2. Conclusions.

The length and depth of the proposed pier is adequate to serve the recreational needs of a single-family residence. The 70 foot pier could moor a sailboat and motorboat--a reasonable combination for a single-family home--in the 12 depth.

C. Compliance with Conditional Use Permit Criteria

1. Statements of Fact.

Section 23.56.080 (standards for granting CUP)

- a. The use or modification requested by the CUP shall be within the intent of this Ordinance and in the public interest.
- b. Operation of a permitted business in a residential zone.
- c. Enlargement of a non-conforming use.
- d. The uses and standards in the LUPP.

2. Conclusions

- a. The proposal meets the following dimensional requirements of the Kirkland Zoning Ordinance.

Parking: None provided (not required if moorage for exclusive use of single-family residents or guests).

Setbacks: 25 feet on north, 10 feet on south (10 feet required)

Pier Dimensions:-- 70 feet length (250 feet length maximum without Planned Unit Development)

-- Deck is 1 1/2 feet above high water line (maximum is 2 feet above high water line)

-- Draft at end of pier is 12 feet (no maximum)

The proposal for the pier is within the public interest to the extent that it meets zoning requirements and complies with the Shoreline Master Program (see Substantial Development Permit report).

- b. Not applicable - proposal is not for a business in a residential zone.

- c. Not applicable - applicant is not proposing enlargement of a non-conforming use.
- d. LUPP references the Shoreline Master Program as the policy document for this area. See report SD-80-45 for an analysis of the Shoreline Master Program policies. The proposal (pier and buoy) does not comply with the Shoreline Master Program policies, due to number of moorages provided. Therefore, the moorage buoy should be denied.

### III. BACKGROUND

#### Description of Neighborhood.

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

### IV. DEVELOPMENT STANDARDS

#### A. Kirkland Zoning Ordinance

Section 23.12.040.A1(a): The pier designed for pleasure craft only is for the exclusive use of the occupant or guests of a single family structure located on the lot on which the pier is proposed.

Section 23.12.053.a(7)(a): All pier structure shall be either floating or have deck elevations not more than 2 feet above high water level. Creosote treatment on any pier component shall not be permitted.

Section 23.12.053.a(7)(d): Covered waste receptacles shall be located at a maximum of 100 foot intervals on the pier structures and designed as an integral part of the pier structure and shall be secure from being overturned by winds or waves.

Section 23.12.053.a(7)(e): All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. The lighting plans shall be approved as part of the Conditional Use Permit.

B. Fire Department Standards

Fire Department Operating Policy 2 requires that if the distance from where a fire truck can rest safely to the outboard pier exceeds 250 feet, then a Fire Department horizontal standpipe will be required.

The end of the pier is 145 feet from the fire truck parking area (Lake Street).

D. Police Department Standards

In the interest of safety, the address of the subject property should be placed at the end of the pier and visible from the water. This requirement has been placed on other piers in the City.

E. Building Department Standards.

Plans for Building Permits to be stamped by Washington State liscensed structural engineer.

V. APPENDICES

Exhibit "A" is attached. Exhibits "B", "C" and "D" are attached to report SD-80-45.

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