

RESOLUTION NO. R-2840

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-81-39, BY WESLEY ROUNDS TO DREDGE IMMEDIATELY NORTH OF THE YARROW BAY SAILING AND TENNIS CLUB 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 Wesley Rounds, 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 June 18, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 Chairperson thereof and filed in the Department of Community Development File No. CZ-81-39 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 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.

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 Ordinance No. 2183, the Kirkland Zoning Ordinance.

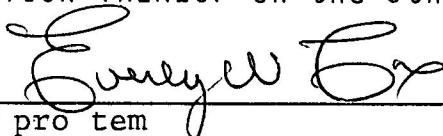
Section 6. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, 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) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

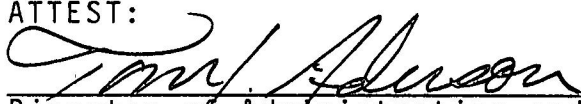
Passed by majority vote of the Kirkland City Council on the 6th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of July, 1981.



Mayor pro tem

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE June 18, 1981
___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Carol Goddard
Carol Goddard, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CZ-81-39

APPLICANT Wesley R. Rounds

PROPERTY LOCATION Immed. N. of Yarrow Bay Sailing and Tennis Club

SUBJECT CONDITIONAL USE PERMIT FOR DREDGING

HEARING/MEETING DATE July 6, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" through "J" listed on reverse

"A" - Application (on file with DCD)

"B" - SEPA Checklist and Declaration

"C" - Vicinity Map

"D" - Site Development

"E" - Dredging Plan

"F" - Beach Restoration Plan

"G" - Public Letters

"H" - Storm Drainage Sedimentation

"I" - Minutes and Partial Transcript

"J" - Water Depths

I. PROJECT SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Wesley Rounds has submitted an application for a Conditional Use Permit to dredge up to 4,800 cubic yards from a site located in Yarrow Bay, Lake Washington. The site is north of Yarrow Bay Sailing and Tennis Club and waterward of Lake Washington Boulevard. Mr. Rounds states that the water depth presently inadequate to moor and navigate boats, and that a depth of 7' at low water is required. The dredging area covers roughly 33,900 square feet.

Major issues in this application include: compliance with the State Environmental Policies Act and Conditional Use Permit criteria.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and Exhibits in this report, we hereby recommend approval of the Conditional Use Permit to dredge with specific conditions:

1. The dredging action is required to obtain the necessary approvals from the Army Corps of Engineers, the Washington State Department of Ecology, and other agencies having jurisdiction.
2. The dredging shall result in a low-water depth not exceeding 3 1/2 feet.
3. The applicant is bound to dredge only in the area shown in Exhibits "E" and "F". A detailed grading plan showing existing and finished contour lines and other necessary information shall be submitted to the Building Department for approval prior to any dredging work. Dredge materials shall not be deposited within the City of Kirkland without proper approval and proper permits obtained from City Council.
4. This permit is based on a special set of circumstances and in no way is precedential. These circumstances include the Yarrow Bay Sailing and Tennis Club fill and the storm drain to the south.

6/18/81 (P.C.)
6/2/81 (HCC)
5/29/81/5427A/1n

II. SITE DESCRIPTION AND BACKGROUND

- The site is located west of Lake Washington Boulevard and north of Yarrow Bay Sailing and Tennis Club. A rock bulk-head separates the high water level of the lake from the dry land. The lake bottom is fairly level with a gradual fall to the west. At low water, water depths begin at zero feet (the portion of the lake bottom is exposed at low water) and drops in depth in the following manner:

<u>Linear Feet From Rock Bulk-Head</u>	<u>Water Depth</u>
83	1'6"
130	1'6"
175	1'10"
225	3'10"
375	3'10"
425	4'1"

- Present improvements include a recently constructed dock 250' in length with 6 finger piers 50 feet in length. The City storm drain is immediately south of the property line.

The City of Kirkland estimates that the storm drain is responsible for an average of 6" of sedimentation in the immediate dock area (Exhibit "H"), which the City has submitted applications to dredge.

- Several permits have been received in the past for this site.

<u>Permits</u>	<u>Description</u>	<u>Date</u>
SDP	Six unit condominium	Approved 7/79
PUD/SDP	450' long pier	Denied
CUP/SDP	250' long pier	Approved 7/7/80
		6/18/81 (P.C.)
		6/2/81 (HCC)
		5/29/81/5427A/1n

III. MAJOR ISSUES

A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

1. Statements of Fact

The applicants submitted a checklist on March 30, 1981. After review, the responsible official issued a Proposed Declaration Nonsignificance on May 4, 1981 and a final Declaration Nonsignificance on May 22, 1981. The Proposed Declaration of Non-Significance was issued only after the Metro Water Quality Section had reviewed the application and stated that there were no significant impacts on the environment relating to water quality (see Exhibit "B").

2. Conclusions

The applicant has met the requirements of the State Environmental Policy Act and no significant impact will occur. The dredging will not affect any underwater habitat as the silting nature of the lake bottom prohibits the successful habitation.

B. COMPLIANCE WITH THE CONDITIONAL USE PERMIT CRITERIA

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:

a. Applicant's response.

"The site has a current approved Substantial Development Permit for the construction of six deluxe condominium units with attendant moorages. The problem is access to water for owners of the condominiums as the water depth of the dock as it was finally approved 250' in length is inadequate to moor and navigate boats. We require a depth of seven feet zero inches at low water."

b. Statement of Fact

The Waterfront District 1 Zoning Ordinance, in which this site is

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located, states in Section 23.12.060 that "Dredging shall not be permitted for any waterfront development unless access to the water is the prime reason. The owner or developer of the parcel shall have a plan approved by the city for the removal of the dredge material. Dredging and removal of dredge material shall be approved as part of the Conditional Use Permit, and Classified Use Permit, of planned unit development."

- i. The applicant requests the ability to dredge to provide boat access to his dock.
- ii. The applicant has submitted a plan to the city for approval regarding the removal of the dredge material.
- iii. The applicant is not submitting the dredging application as a part of the previously approved Conditional Use Permit for the dock. However, the relationship of water depth to boat moorage and dock length were thoroughly discussed by the Planning Commission in the May 15, 1980 hearing on the dock permit. Since the dock was recently approved (one year ago) and the dredging request is directly related to the dock, staff reviewed the tapes of that hearing and provides a partial transcript as well as the minutes.

Mr. Rounds stated in the hearing that a water depth of 3½' is adequate for a 40-foot boat. The Planning Commission, by motion, found "...that an adequate number of smaller boat moorages could be accommodated with something in the range of 3'4" to 3'7" of depth at low water at the 250 foot (dock) length."

- iv. Due to the Yarrow Bay Sailing and Tennis Club fill to the south and the storm drain, this area sedimentation occurs above the normal levels.

Finally, Mr. Rounds stated that the Yarrow Bay has a water depth no greater than 5 feet.

c. Conclusions

The water depth at low water should not exceed 3 1/2'.

2. Indicate why the use of the 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 Application for Conditional Use Permit in any zone, for any business use, shall also provide the Planning Commission within an economic feasibility study to show the soundness of his business venture. The Planning Commission and the City Council shall evaluate this study as consideration for approval or denial.

a. Applicant's response.

"Use of the site in a Waterfront District Zone 1 is a directed permitted use and is not in any variance with the zoning or planning regulation. This use of the water to moor boats is not under any circumstances to be construed as operating a business in a residential zone. All we are asking for is adequate water depth to moor boats. You have already issued the building permit for the dock and the dock is already built."

b. Statement of Facts

This section of the Conditional Use Permit criteria does not apply, as the applicant is not involved in a business use.

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c. Conclusions

This section is not applicable

3. Is the user modification requested by this application for the continuation or enlargement of a nonconforming use? If so, it shall be made on the basis of 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.

a. Applicant's response.

"No. The request to dredge to an adequate depth to navigate boats make access to the water available as a direct conforming use."

b. Statement of Facts

The applicant is not requesting the continuance or enlargement of a non-conforming use.

c. Conclusion

This section of Conditional Use Permit criteria does not apply to the application.

IV. PUBLIC INPUT

A letter in opposition has been received from the Town of Yarrow Point.

V. APPENDICES

Exhibits "A" through "J" are attached.

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