

RESOLUTION NO. R-2854

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. SD-81-81, BY CITY OF KIRKLAND TO DREDGE IN MARINA PARK, 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 the City of Kirkland, 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 August 6, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 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. SD-81-81 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.

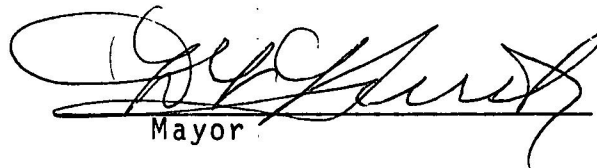
Section 5. Failure on the part of the holder of the Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with RCW 90.58.140(8). The local procedure for revocation shall substantially follow the procedure set forth in Section 23.56.110 of Ordinance 2183.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

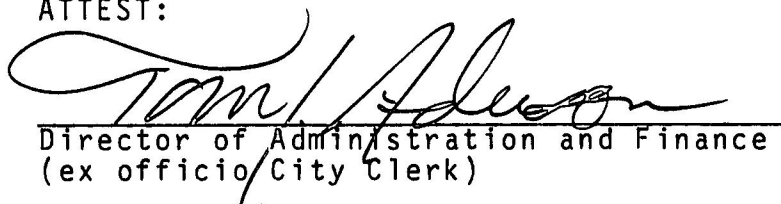
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland.
- (c) Fire and Building Department of the City of Kirkland.
- (d) Project and Construction Management Department of the City of Kirkland.
- (e) Public Services Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
- (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 17th day of August, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of August, 1981.


Mayor

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 August 6, 1981
ADOPTED -BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION Robert G. Burke
CITY COUNCIL AS INCORPORATED IN _____
Robert G. Burke, Vice Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER CZ-81-80
APPLICANT City of Kirkland
PROPERTY LOCATION Southern end of Market St. in Marina Park
SUBJECT Conditional Use Permit for Dredging in Marina Park
HEARING/MEETING DATE August 17, 1981
BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Existing and Proposed Plan View "D" Existing and Proposed Section View "E" Storm Sewer As-Built (1971) "F" Env. Info.
(Exhibits "B" through "F" are attached to report SD-81-81)

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I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

The City of Kirkland (Public Services Department) has applied for a Conditional Use Permit to dredge up to 700 cubic yards from a site located in Moss Bay, Lake Washington. The project was reduced following advertising of 800 cubic yards. The site is at the boat launching ramp and fishing pier in Marina Park, at the southern end of Market Street. The purpose of this action is to remove accumulated sediment, in order to maintain existing boat access to and from the launching ramp and pier, and to maintain storm water flow from the 72" outfall pipe located under the pier. The dredging area covers roughly 13,000 square feet and would provide a maximum depth of 9' at low water. A maximum depth of 5-1/2 feet of silt would be removed.

Major issues are compliance with Conditional Use Permit criteria, the Land Use Policies Plan and the State Environmental Policy Act.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and attached Exhibits, we hereby recommend approval of the Conditional Use Permit to dredge for the 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 is limited to the removal of the sedimentation deposited from the storm drain outfall and in no event may exceed 700 cubic yards of dirt. The applicant shall stop his dredging depth when the organic material of the lake bottom is reached.
3. The applicant is bound to dredge only in the area shown in Exhibit "C". Dredged materials shall not be deposited within the City of Kirkland without proper approval and proper permits obtained from the City Council. Necessary information shall be submitted to the Building Department for approval prior to any dredging work.

II. SITE DESCRIPTION AND BACKGROUND

- A. The site is located at the southern end of Market Street, at Marina Park. A storm drain culvert ends in an outfall pipe which measures roughly 6' in diameter. This outfall is the terminus point for a portion of the "Old Kirkland" drainage basin, which primarily lies west of Market Street.
- B. The existing lake bottom, because of the accumulated siltation, falls steeply from the mouth of the storm drain. The accumulated siltation has formed a mound roughly 5-1/2 feet in height, at its maximum point. Maximum dredging at low water would be 5-1/2 feet. The silt mound covers nearly all of the outfall pipe except for a 1-3/4 foot opening. This is a severe restriction on this storm drainage system.

III. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

- 1. Does the use or modification requested by the Conditional Use Permit 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 use does fit within the intent of the Kirkland Zoning Ordinance. By dredging we will restore the bottom of Lake Washington to the topography that existed in 1971, when the storm water outfall pipe was installed. The reasons for this action are: (1) To restore the 72 inch outfall pipe's capacity to its design capacity. Its capacity is now substantially restricted by sedimentation. (2) To maintain adequate water depth for boater access to and from the Marina Park Launching Pier and Boat Ramp."

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b. Statements of Fact

- (1) The Market Street outfall serves the Old Kirkland drainage basin, primarily west of Market Street. The outfall has 4-1/4 feet of its 6 foot diameter clogged with sedimentation.
- (2) The dredging area is partially within the P (Public Use) zone and Waterfront District I. Zoning Section 23.12.060 (WD I) states: "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, Unclassified Use Permit, or Planned Unit Development."

c. Conclusions

The dredging complies with the intent of the Zoning Ordinance and in the public interest by removing silt that has accumulated over the past 10 years and is blocking the storm drain system. Without the dredging, the storm drain will not be able to function properly and may begin to back up, consequently flooding the area west of Market Street, and/or Market Street. To ensure that the dredging is the minimum necessary, the dredged material should be limited to the removal of silt and debris and shall not remove the natural lake bottom. The dredged spoils shall not be deposited within Lake Washington. If the dredged spoils are deposited within the City limits of Kirkland, it shall require the proper permits.

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2. The additional Conditional Use Permit criteria do not apply.

B. COMPLIANCE WITH THE LAND USE POLICIES PLAN

1. Statements of Fact

The site falls on the boundary of the Market/Norkirk/Highlands and Central/State/Everest neighborhoods in the shoreline subareas. Policies relating to this area are found on pages 302-304 and 349-351 in the Land Use Policies Plan.

2. Conclusions

None of the policies in the Land Use Policies Plan deals directly with the concept of dredging to maintain a storm water outfall system.

C. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

1. Statements of Fact

An Environmental Checklist was submitted on June 18, 1981. A Proposed Declaration of Non-Significance was issued by the Responsible Official on June 24, 1981. A Final Declaration of Non-Significance was issued by the Responsible Official on July 17, 1981.

2. Conclusions

The City has met the requirements of the State Environmental Policy Act.

IV. ALTERNATIVES

An alternative would be not dredging. This would lead to additional siltation and blockage of the storm drain, and possible uphill flooding as water backs up in the pipes and catch basins during rain storms.

V. DEVELOPMENT STANDARDS

This action will require approval from the Army Corps of Engineers, the Washington State Department of Ecology and other agencies having jurisdiction.