

RESOLUTION NO. R-2856

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-81-79, BY THE CITY OF KIRKLAND TO DREDGE 500 CUBIC YARDS IN YARROW BAY, 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, for the 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 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. SD81-79 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
Robert G. Burke, Vice Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER SD-81-79

APPLICANT City of Kirkland (Yarrow Bay Dredging)

PROPERTY LOCATION Waterward of 4315 & 4437 Lake Wa. Blvd.

SUBJECT SUBSTANTIAL DEVELOPMENT PERMIT to dredge approximately 500 cubic yards in an approximately 8,000 sq. ft. area

HEARING/MEETING DATE August 17, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" through "E" attached to the Conditional Use Permit file No. CZ-81-78; "F" Application "G" Shoreline Master Program Policies "H" Aquatic Vegetation "I" Application for Dept. of Army Corps Permit

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

The City of Kirkland has applied for a Substantial Development Permit to dredge up to 500 cubic yards from a site located in Yarrow Bay, 37 feet north of the Yarrow Bay Sailing and Tennis Club dock. The application is a request to maintain an existing 27" x 43" storm drain outfall located near the northern property line of the Yarrow Bay Sailing and Tennis Club. Sedimentation from the storm drain system has accumulated at the mouth of the pipe and blocks the storm water flow into Lake Washington. Sedimentation has built up into a mound which rises above the low water level and is roughly 4.2 feet above the natural lake bottom elevation.

Major issues are compliance with the Shoreline Master Program and the State Environmental Policy Act.

B. RECOMMENDATIONS

Based on the statements of fact, conclusions, and Exhibits "A" through "I", we hereby recommend approval of this application subject to the following conditions:

1. The dredging action must obtain the necessary approval from the Army Corps of Engineers, Washington State Department of Ecology, and other agencies having jurisdiction.
2. Dredging spoils shall not be placed within Lake Washington, and may be located within the Kirkland City limits only through proper permit approval.
3. Dredging shall not remove the natural lake bottom.
4. The applicant may dredge only in the area shown in Exhibit "B". Necessary information shall be submitted to the Building Department for approval prior to any dredging work.

8/6/81 (P.C.)
7/29/81-6170A/kb

II. SITE DESCRIPTION AND BACKGROUND

- A. The site is located 37 feet north of the Yarrow Bay Sailing and Tennis Club dock, and west of the high waterline of Lake Washington. A rock bulkhead separates the high water level of the lake from the dry land. A storm drain system ends in an outfall pipe which measures roughly 27" by 43". This outfall is the terminus point for a portion of the storm drain system under Lake Washington Blvd. which was built in 1969 (see Exhibit "E"). Two docks are in the immediate area, the Yarrow Bay Sailing and Tennis Club dock has finger piers which are as close as 23 feet to the storm drain outfall. The Wesley Round dock, which is just north of the site, comes as close as 50 feet to the storm drain outfall.
- B. The existing lake bottom, because of the accumulated siltation, falls very steeply from the mouth of the storm drain and then levels out with a gradual fall. The accumulated siltation has formed a mound roughly 4.2 feet in height. The mound is visible at low water, and rises above the water line. Maximum dredging at low water would be 3.57 feet plus .63 feet of additional material which rises above the low water line. The silt mound completely covers the outfall pipe except for a small crater exposing the upper 6 inches of the mouth. This is a severe restriction on this storm drain system.

III. MAJOR ISSUES, FACTS, AND CONCLUSIONS

A. SHORELINE MASTER PROGRAM POLICIES AND REGULATIONS

1. Statements of Fact.

- a. The Shoreline Master Program lists several policies on page 40 of the document which apply to dredging. The Master Program states that "land fill or dredging should generally not be permitted." "Land fill or dredging should not be permitted except in the following cases and even then should generally be discouraged". Several of the criteria listed bear directly on this application. A full listing is found in Exhibit "G". The applicable criteria are listed and discussed below.

- b. Use Regulation 5--"When dredging is permitted, the dredging spoils should be deposited on approved dumping sites. Dumping sites shall not be allowed in the lake or in unique or fragile areas":

The City has applied to the Department of Ecology to deposit dredge materials on Four Mile Rock deep water disposal site, on the Puget Sound. The contractor also has the option of depositing the sedimentation on other approved sites after receiving any necessary permits.

- c. Use Regulation 6--"Dredging could be permitted to maintain water flow and maintain navigability." The key phrase here is to "maintain water flow". When originally laid, the storm water outfall pipe rested on the lake bottom and had an uninterrupted water flow into Lake Washington Blvd. The storm water pipe was constructed in 1971, 10 years ago. Field inspection of the storm water outfall pipe today shows a mound of accumulated sedimentation which rises 4.2 feet above the lake bottom and is exposed at low water. This silt mound completely covers the outfall pipe except for a small crater exposing the upper 6 inches of the mouth. This is a severe restriction on the storm drain system.

2. Conclusions

To maintain water flow, dredging should be allowed down to the original lake bottom level. Therefore, no dredging shall occur other than that necessary to remove sand and other silt debris.

B. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

The applicant submitted a checklist on May 30, 1981, and a Proposed and Final Declarations of Non-Significance were issued by the responsible official.

8/6/81 (P.C.)
7/29/81-6170A/kb

The applicant met with the Department of Game July 8, 1981, for a site inspection. The Department of Game indicates they will approve the application as long as disturbance of existing aquatic vegetation does not occur. The City has agreed to restrict the dredging operation to 500 cubic yards, instead of 600 cubic yards, and to diminish the area of dredging to 8,000 square feet instead of 20,000 square feet. Existing aquatic vegetation is shown in Exhibit "H".

2. Conclusions

The applicant has met the requirements of the State Environmental Policy Act, and will work with the Department of Game to avoid any adverse impacts which might occur on existing underwater habitation for the spiny rayed fish and the bass.

IV. ALTERNATIVES

An alternative would be to deny the dredging request. The accumulation of additional sediment may completely block the outfill pipe and result in water backing up and flooding.

V. DEVELOPMENT STANDARDS

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

VI. APPENDICES

Exhibits "A" through "E" are attached to the Substantial Development report, File No. CZ-81-78. Exhibits F, G, H & I are attached to this report.

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