

RESOLUTION NO. R-2857

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-81-78, BY THE CITY OF KIRKLAND TO DREDGE APPROXIMATELY 500 CUBIC YARDS OF SEDIMENT FROM A SITE IN YARROW BAY 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 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 Houghton Community Council and Kirkland Planning Commission who held hearings thereon at their regular meetings of July 28, 1981 and August 6, 1981 respectively, 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 and Houghton Community Council after their public hearings 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-81-78 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.

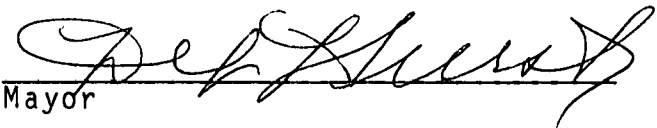
Section 6. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, 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 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 _____
 RECOMMENDED BY _____ DATE August 6, 1981
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

Robert G. Burke

Robert G. Burke, Vice Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CZ-81-78

APPLICANT City of Kirkland (Yarrow Bay Dredging)

PROPERTY LOCATION Waterward of 4315 & 4437 Lake Wa. Blvd.
CONDITIONAL USE PERMIT TO DREDGE APPROX. 500 CUBIC YARDS

SUBJECT IN AN APPROX. 8,000 SQ. FT. AREA

HEARING/MEETING DATE August 17, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Existing Features and proposed final Lake
bottom contours "C" Elongated Section "D" Environmental Checklist & Declaration
"E" Drainage Basin

I. PROJECT SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

The City of Kirkland has submitted an application for a Conditional Use Permit to dredge 500 cubic yards of sediment from a site located in Yarrow Bay, Lake Washington. The site is on the northern edge of the Yarrow Bay Sailing and Tennis Club property, and waterward of the high waterline. The City requests the dredging permit as a part of a maintenance operation, clearing sedimentation from the mouth of an existing storm drain outfall. The dredging area covers roughly 8,000 square feet. A maximum depth of 4.2 feet of silt will be removed.

Major issues in this application include: compliance with the State Environmental Policy 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 for the specific conditions:

1. The applicant 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 500 cubic yards of materials and not to exceed a total area of 8,000 square feet. 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 B. Necessary information shall be submitted to the Building Department for approval prior to any dredging work. Dredged materials shall not be deposited within the City of Kirkland without proper approval and proper permits obtained from the City.

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A

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

A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

1. Statements of Fact.

The applicant submitted a checklist on May 29, 1981. After review, the responsible official issued Proposed and Final Declarations of Non-Significance.

The Department of Game met with the Public Service Department on July 8, 1981, and inspected the site. Based on the Public Service agreement to withdraw from dredging in areas with aquatic vegetation, the Department of Game has indicated approval of the application. Based on this agreement, the Public Service Department is now requesting permission to dredge 500 cubic

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A

yards of sedimentation instead of the 600 cubic yards originally requested. The revised dredging area is shown in Exhibit "B" and is reduced to 8,000 square feet instead of 20,000 square feet. The Department of Game was concerned that disturbance of aquatic vegetation would affect the base and spiny-rayed fishes found in the area.

2. Conclusions

The applicant has complied with the requirements of the State Environmental Policies Act, and a Declaration of Non-Significance has been issued. The applicant has revised his dredging request to reduce the amount of dredged spoils down to 500 cubic yards, and to further limit the area of dredging.

B. CONDITIONAL USE PERMIT CRITERIA

1. Statement of Fact.

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 maintenance dredging project to unclog the Yarrow Bay storm water outfall pipe fits within the intent of Waterfront District I for the following reasons:

- (1) The features of Lake Washington will not be adversely affected and "optimum use and enjoyment of present and future generations" will be protected.
- (2) The maintenance project is in the public interest because it will ensure adequate storm water capacity through the existing storm water outfall pipe. If adequate storm water capacity is not maintained there is a potential for the Yarrow Bay storm water outfall pipe to back up and flood the

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A

Yarrow Bay Tennis and Sailing Club
and possibly Lake Washington Blvd."

b. Statements of Fact

- (1) The Yarrow Bay Storm water outfall pipe serves a drainage basin extending from N.E. 52nd Street South and extending east to 108th Avenue N.E. (see Exhibit "E"). The Yarrow Hill PUD project falls within the drainage basin area. The Yarrow Hill PUD project had extensive clearing and regrading of the site, and erosion off the site during construction was severe. Storm drain pipes were clogged, and at one point, two lanes on Lake Washington Blvd. were closed.
- (2) The Waterfront District I Zoning Ordinance, in which this site is 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 dredged material shall be approved as part of the Conditional Use Permit, Unclassified Use Permit, or Planned Unit Development."

The built-up sedimentation blocks the majority of the storm drain outfall pipe, preventing storm waters access into Lake Washington Blvd. waters. Exhibits "B" through "C" represent the amount and extent of the dredging operation. The applicant has indicated that either a clam shell or hydro-static dredging operation will occur.

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A

C. Conclusions.

The dredging complies with the intent of the Zoning Ordinance and is in the public interest by removing silt that has accumulated 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 Yarrow Bay Sailing and Tennis Club site and/or Lake Washington Blvd. 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 City approval with the proper permits.

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

C. COMPLIANCE WITH THE LAND USE POLICIES PLAN

1. Statement of Fact.

The site falls within the Houghton Bridle Trails neighborhood, in the shoreline sub-area. Policies relating to this area are found on pages 223 through 230 in the Land Use Policies Plan.

2. Conclusions

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

IV ALTERNATIVE

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.

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A

V DEVELOPMENT STANDARDS

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

VI. APPENDICES

Exhibits "A" through "E" are attached.

8/6/81 (P.C.)
7/28/81-HCC
7/20/81-6155A/0078A