



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

Date: December 7, 2009

To: David Ramsay, City Manager

From: Paul Stewart, Deputy Planning Director
Eric Shields, Planning Director

Subject: Shoreline Master Program and Houghton Community Council
Action (ZON06-00017)

Recommendation

Receive an update on the Houghton Community Council's comments or action on the Shoreline Master Program and either:

- Revise the regulations adopted by the City Council with the passage of Resolution R-4786 approving the Shoreline Master Program; or
- Take no further action at this time (the Shoreline Master Program as approved by the City Council will be transmitted to the State Department of Ecology for their review and comment).

Background

On December 1, 2009 the City Council approved R-4786 adopting the Shoreline Master Program (SMP). This resolution along with the associated regulations and the full Council packet can be accessed at the following link:

http://www.ci.kirkland.wa.us/Assets/City+Council/Council+Packets/120109/10a_UnfinishedBusiness.pdf

The Houghton Community Council (HCC) is scheduled to meet on December 14th, 2009. The HCC wanted to review the SMP as approved by the City Council prior to it being transmitted to the Department of Ecology (DOE). Staff has recommended to the HCC that they either concur with the City Council approval or provide comments to the City Council and Department of Ecology. On December 15th, the City Council can review the action taken by the HCC prior to sending the SMP to DOE.

The City Council considered the SMP update along with the recommendations from the Planning Commission and Houghton Community Council at three study sessions on October 22, November 2 and November 23, 2009.

Subsequently, at their regular meeting on December 1, 2009, the City Council adopted

two resolutions. R-4786 approved the SMP. This resolution along with the associated attachments will be sent to the Department of Ecology. The Council also approved R-4787, the Zoning Code Amendments associated with the SMP. These amendments do not require DOE approval.

On September 14, 2009, the HCC forwarded their recommendation of approval to the City Council on the Shoreline Master Program update. The recommendation was the same as the Planning Commission with the exception of three areas:

- shoreline vegetation requirements for parks outside of the swimming and boating areas;
- tree replacement standards for trees less than 12" in diameter; and
- use of shoreline stabilization to protect land and not only primary structures.

Regarding shoreline vegetation requirements for parks, the City Council agreed with the Planning Commission that there should not be different standards for parks than for other uses. However, the City Council also noted that there are provisions already in the SMP that provides the Parks Department with flexibility in placing shoreline vegetation in appropriate locations that do not result in the obstructing public views or public access.

On tree replacement standards for removal of trees less than 12" in diameter, the City Council agreed with the HCC not to require an additional 40 square feet of riparian vegetation along with the planting of a replacement tree.

The Houghton Community Council recommended that shoreline stabilization be allowed to protect land when protection of the primary structure is not needed. The Planning Commission's recommendation followed the Washington Administrative Code (WAC) Guidelines on shoreline stabilization.

The WAC Guidelines are clear in limiting the replacement of existing hard shoreline stabilization structures to circumstances in which there is a **demonstrated need to protect primary structures or existing principal uses** (such as a public park where there are no structures or in some cases accessory structures if they cannot be located elsewhere on the site) from erosion caused by waves or currents.

The City Council wanted the SMP update to be consistent with the WAC Guidelines and to receive DOE approval. *Thus, the City Council adopted the Planning Commission's recommendation on shoreline stabilization. However, the City Council also adopted the staff's new suggestion to add an appeal process in the Shoreline Administration Chapter 141* to provide property owners with a clear **appeal provision** if they disagree with the Planning Official's determination about the replacement of an existing bulkhead. The applicant can appeal a determination to the Hearing Examiner for further review.

In addition, at one of the City Council study sessions, staff pointed out that that the WAC Guidelines may allow an applicant to make a case that a hard stabilization measure is needed to protect the ***principal existing use***, which would provide the applicant and City the flexibility to consider the individual site characteristics and determine what features constitute components of the primary use. This potentially allows for a broader consideration of site features, other than the primary structure, in the evaluation of the necessity for shoreline stabilization.

Memo to David Ramsay

December 7, 2009

Page 3 of 3

The above provisions were adopted to respond to the Houghton Community Council concerns. The City Council also made other revisions since the HCC reviewed the SMP on September 14th. These were based on City Council, public, DOE and staff comments. Staff will be updating the Community Council on these changes at their December 14th meeting.