

November 9, 2015



Dallas Evans  
8331 NE Juanita Drive  
Kirkland, WA 98034

Subject: Evans Pier Proposal  
File: SHR15-01187

Mr. Evans,

The City of Kirkland has completed the initial review of the proposed pier and has received comments on the application from the general public, agencies with jurisdiction, and other interested parties. Based on a thorough review of the proposed plans, public comment review, and analysis of the code language found in the Shoreline Master Program (SMP), revisions to the plan will be required.

Below is a breakdown of the issues at hand. First and foremost is the proposed length of the pier and the requirement to reduce the length in order to have no adverse impact on navigation and to meet the base code requirements in Kirkland Zoning Code (KZC) Chapter 83. Please read through these comments and confer with your shoreline project agent. If you or Marine Restoration have any questions, please let me know.

#### REVIEW COMMENTS:

1. Pier Length (KZC 83.270): The Shoreline Master Program identifies a maximum allowable pier length of 150 feet measured from the Ordinary High Water Mark (OHWM), but also continues and states that piers extending farther waterward than adjacent piers must demonstrate that they will not have an adverse impact on navigation. The City has determined this to mean that the maximum length allowed that will not adversely impact navigation is a pier of comparable length with neighboring piers. For this site, the pier will need to be approximately 90 feet in length so as to not adversely impact navigation. A pier proposed at 90 feet from the same location on your parcel would not extend beyond the adjacent piers and thus would not have an adverse impact on navigation. Please see the attachment showing a red line which represents an average distance from the OHWM out to the adjoining piers in the area. For a pier to extend beyond this line would, according to the

City's stance, an adverse impact on navigation. The numbers on the piers adjoining the subject property represent pier length. The 90 foot length the City established is an average length of the adjoining 12 piers, taking out the shortest and longest piers. The proposed pier will need to be reduced to this approximate length.

Comments received related to pier length:

- a. Department of Ecology commented on the length of the proposed pier and questioned the necessity when the boatlift would be located where the pier length was 50 feet from OHWM.
  - b. Several comments were received related to safe navigation and there were concerns of a pier extending more than twice the length of neighboring piers.
  - c. Review of the proposed pier was handled by myself, senior staff in the Planning Department, and the Assistant City Attorney. We determined that the proposed would adversely impact navigation.
2. The proposed pier did not include an ell configuration ("L" shaped pier), which by code needs to be perpendicular to the main portion of the pier. The minimum water depth section states that the nine foot depth is meant for an ell configuration. Even if the proposed pier followed the ell configuration intended by the code, the length section will be applied. Regardless of the minimum water depth for an ell, the more restrictive code applies pursuant to KZC 170. In this case, the maximum pier length will apply, limiting the length to that which does not adversely impact navigation.
3. Shoreline Planting Review. There are a few revision changes that will need to be made to the shoreline stabilization proposal. The base comments from The Watershed Company (TWC) review are found in the attached document. Below are the City of Kirkland requirements for revision. A complete response to each is needed either via written response and/or updates to the plans.
- a. Proposed Jetty and additional armoring (TWC comments 1a and b): The proposed addition to the jetty/bulkhead and new armoring do not comply with section 83.300. No additional hard stabilization shall be permitted without a formal needs assessment prepared by a geotechnical engineer. There must be a proven need for additional hard stabilization in order to protect the primary residence. Please remove that proposed addition to the bulkhead in order to comply with code.
  - b. Bulkhead Footing Removal (TWC comment 1c): The existing bulkhead footing needs to be removed if it cannot be integrated well below the proposed new profile. Based on the wave fetch in this area, there is concern this footing will eventually become exposed and function as a bulkhead again. Please revise the plans

- to show complete removal of the bulkhead footing and installation of new substrate reconstruction.
- c. Sediment Curtain (TWC comment 1d): The development permit will be required to show on plans and install a sediment curtain.
  - d. Shoreline Plantings (TWC comments 2a-d): The proposed shoreline planting plan does not meet the standards listed in KZC 83.270. Please see comments from TWC letter. A total of three trees per 100 linear feet of shoreline are required to be planted. There is only one existing tree located along the shoreline that can count toward this count. A total of 4 trees are required in the near shore riparian area. Three additional native trees must be planted in this area. Please note that Northshore Utility District prohibits any trees planted in the sewer easement. Trees will need to be located on either side of the easement. Please revise accordingly.
4. Shoreline Stabilization General Comment: The NUD identified that structures are not allowed within their sewer easement. The proposed shoreline stabilization portion of the project shows the installation of a retaining wall within the sewer easement. This retaining wall will need to be pulled out of the easement, but in order to be considered a retaining wall and not a bulkhead, it must be setback 5 feet from the OHWM. Please revise accordingly.
5. Emergent Vegetation: Due to the high wave fetch, there are limited areas that could support emergent vegetation. The proposal has two areas that are protected from wave energy. This proposal does not provide for an adequate amount of emergent vegetation and the additional installation of scattered boulders, logs with roots, or root wads, could be utilized to create additional planting areas for emergent vegetation. Additional emergent plantings need to be considered. Please revise the proposed plan to add more emergent vegetation and some associated soft shoreline stabilization.

These comments require response and revision in order to continue moving the process forward. The Substantial Development Permit (SHR15-01187) and associated SEPA review will remain pending until complete revisions are received by the City. If you and your shoreline consultant would like to submit additional information with a revised drawing to comply with the "L" shaped pier configuration intended by the SMP, please do so. Any new information will be reviewed and considered by the City.

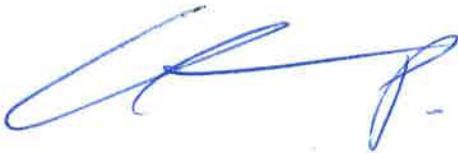
Options moving forward. Based on the proposed, there are a couple of options you can pursue.

Option 1 is to revise the plans according to the revisions listed above. Those revisions will be reviewed and if they meet code, the City will make a recommendation to the Planning Director for approval. The Planning Director is the decision maker on this permit so he may not be contacted. I am not able to discuss the case with him until the recommendation is submitted. The City's decision will be noticed and any party of record has the ability to appeal. Appeals go before the State Shoreline Hearings Board.

Option 2 is to continue with the design currently submitted or a modified pier of similar length. For this option, the City cannot make a recommendation for approval. The City would recommend denial of the proposed. You would then have the ability to appeal the City's decision and take the case to the Shoreline Hearings Board. I have reviewed the SHB case history on navigation and there are no records related to this aspect of safe navigation.

The City would like to see an approvable project and therefore would recommend following the first option.

Please contact me with questions.



Christian Geitz  
Planner

Encl: Pier length comparison  
TWC review

Cc: SHR15-01187