Legislative Department
Seattle City Council
Memorandum

Date: July 31, 2012

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Michael Jenkins, Council Central Staff

Subject: Clerk File (CF) 311872 - Council Conditional Use application of King County to allow a 5,600 square foot expansion to a public facility, including 2,600 cubic yards of grading, in an environmentally critical area at the West Point Treatment Plant, located at 4215 36th Avenue West (Project No. 3012604, Type IV).

Overview

King County Department of Natural Resources, Wastewater Treatment Division, requests that the Council approve their Council Conditional Use (CCU) permit application to construct a 5,600 square foot addition at the existing West Point Sewage Treatment Plant facility. The West Point Sewage Treatment Plant is located at 4215 – 36th Ave West, in the Magnolia neighborhood, is zoned Single-Family 5000 (SF 5000), and is accessed through Fort Lawton and Discovery Park.

As depicted in Attachment C, the proposal is to construct a 35 foot tall, 5,600 square foot one story addition to the existing Screening Handling room. The addition, called the Screen Handling Building, will contain new equipment designed to improve the processing of solid waste material in a manner that makes the materials drier, cleaner and less odorous than existing processed materials. In addition, the proposal includes replacing existing screening filters within the existing Screening Handling room with new screening systems designed to remove up to five times more material from the waste stream.

The upgrades are designed to comply with new regulations from the Washington State Department of Ecology (WSDOE) concerning processing of biosolids.

1. Type of Action – Standard of Review - No Appeal or Request to Supplement the Record

Seattle Municipal Code (SMC) 23.51A.002D requires that the City Council review , as a Type IV quasi-judicial land use action, a CCU to expand or reconfigure a Sewage Treatment Plant in a SF 5000 zone. The proposal is considered an expansion and reconfiguration and, as such, must meet criteria and standards that are designed to minimize and, if needed, mitigate any impacts of the facility expansion.

Quasi-judicial actions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and the Council's rules on quasi-judicial proceedings (Resolution 31001). The Hearing Examiner establishes the record for the decision at an open-record hearing. After the hearing, the record may be supplemented through a timely request to Council only through an appeal or request to supplement the record.

No appeal of the Hearing Examiner's recommendation was filed, and there was no timely request to supplement the record.

Because there was no appeal or timely request to supplement the record, the Council's quasi-judicial rules require that the Council's decision be based upon the record as submitted by the Hearing Examiner, and that no oral argument be presented by the parties to PLUS. The Council's quasi-judicial rules provide that the action by Council must be supported by substantial evidence in the record.

The record contains the substance of the sworn testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include but are not limited to:

- The recommendation of the Director of the Department of Planning and Development (DPD);
- The environmental (SEPA) determination for the proposal;
- The application materials; and
- An audio recording of the Hearing Examiner's open record hearing.

The entire Hearing Examiner's record is kept in my office and is available for your review.

3. Materials from the Record Reproduced in PLUS Notebooks

I have provided copies of the following exhibits from the Hearing Examiner's record:

1. The Hearing Examiner's Recommendation (including the findings of fact and conclusions supporting the recommendation) (Attachment A);
2. DPD Director's Analysis and Recommendation[1] (Attachment B);
3. Powerpoint presentation provided for the Hearing Examiner's hearing (Attachment C)[2]; and,
4. A copy of King County's SEPA determination (Attachment D)[3].

[1] Hearing Examiner's Exhibit 2
[2] Hearing Examiner's Exhibit 10
[3] Hearing Examiner's Exhibit 3

4. Summary of the record

Both DPD and the Hearing Examiner recommended that Council **APPROVE** the Council Conditional Use. No conditions were recommended by either DPD or the Hearing Examiner.

The following is a summary of the site, history of the use, the proposed development and the Hearing Examiner's conclusions.

A. Site

The site is occupied by King County's West Point Sewage Treatment Plant facility (facility). The facility, initially developed in 1966, was expanded in 1996 by Council approval. Located in the Magnolia neighborhood and along Elliott Bay, the 32 acre site includes a variety of structures that support the facility's role as a sewage treatment plant for the region. The site is zoned Single-family 5000 (SF 5000). While much of the site is located within environmentally critical areas (Seattle Municipal Code Section 25.09) including shoreline habitat area, steep slopes, wetlands and potential slide areas, the proposed structure is sited outside these areas.

B. Surrounding area

The site and related facility are accessed through a road system that runs through both Fort Lawton and Discovery Park, which buffer the facility from adjacent single family uses to the east and south. The nearest residences to the facility are located approximately 3,000 feet to the southeast. These residences are screened from the facility by significant grade changes and mature vegetation.

C. Proposal

The proposal is to construct a 35 foot tall, 5,600 square foot, one story addition to the existing Screening Handling Room which houses a raw sewage pump station for the facility. The addition, called the Screening Handling Building, will increase the amount of raw sewage that can be processed prior to secondary handling. The addition will house equipment to further process solid waste through grinding, washing, drying and compacting of solid waste materials. The addition will be linked to the Screening Handling room by elevated conveyor belts. The addition will also include enhanced ventilation equipment designed to prevent transfer of odorous air as a result of the transfer of unprocessed materials between the existing pump station and the addition.

The proposal also includes the replacement of existing 5/8 inch bar screens in the existing raw sewage pump station. The bar screens are designed to capture plastics and other inert materials that are not compatible with natural biosolids. The existing bars would be replaced with 3/8 inch bars that provide increased screening; this enhanced screening meets new WSDOE standards requiring the removal of manufactured inerts (plastics, metals, ceramics, etc.) from the waste stream.

The goal of the addition and upgrade is to accommodate a five-fold increase in the retrieval of screened materials, thereby reducing the amount of non-biosolids into the waste stream.

Attachment C is a copy of a powerpoint presentation that shows both existing conditions and details of the proposed addition. No new parking is proposed, as the facility currently provides 210 parking spaces while only 69 are required.

On October 25, 2011, King County issued an environmental (SEPA) determination for the project, declaring that the project did not have any significant environmental impacts. That determination, included as Attachment D, was not appealed. As part of their review, DPD used that SEPA determination to decide whether or not conditions should be imposed on the project. DPD concluded that no conditions to mitigate any project impacts related to its construction or its use were needed.

On May 10, 2012, DPD published their recommendation to approve the request.

D. Public comment

No comments on the proposal were received by DPD or the Hearing Examiner.

E. Summary of the Hearing Examiner's conclusions

Seattle Municipal Code Section 23.51A.002D governs the expansion or reconfiguration of an existing sewage treatment plant in a single family zone, and includes criteria to evaluate such requests. Pages 3-5 of the Hearing Examiner's recommendation list the criteria that are used to determine if the project expansion should be approved. DPD's analysis of the criteria is found on pages 2-9 of their recommendation.

The criteria for permitting the relocation or expansion of a sewage treatment in a single family zone include:

- A determination that feasible alternatives were considered to locate the expansion in a zone where the use is permitted outright;
- Mitigation of impacts on adjacent residential zones;
- Mitigation of transportation impacts and impacts of operations (noise, odor, pollution) during construction and operations
- A finding that the facility is compatible to surrounding properties; and
- landscaping and screening is provided that mitigates the impacts of the project on surrounding uses.

On pages 5-7 of the Hearing Examiner's recommendation, the Hearing Examiner noted that:

- there is no evidence that the proposal would have impacts on the character of single-family areas in this zone as it is "located a great distance from nearby single family uses";
- there is no feasible alternative to locating the addition on the site, as it is an integral part of the sewage treatment process inherent in the facility;
- the siting, lighting and landscaping of the project will minimize any adverse impacts on the single family uses located approximately 3,000 feet from the facility and the nearby recreation facilities at Discovery Park;
- the facility design will incorporate numerous measures to prevent transfer or escape of odors; no special permit will be required by the Puget Sound Clean Air Agency, as no increase in odor emissions will occur;
- increases in noise and traffic will be limited to those related specifically to the construction; and
- the height of the addition will be similar to or lower than other buildings at on the facility.

5. Recommendation

I recommend that the PLUS Committee **APPROVE** the request for a Council Conditional Use (CCU) to both construct a 5,600 square foot addition and to replace existing bar screens in the existing facility, and adopt the Hearing Examiner's findings conclusions and decision, dated June 15, 2012.

6. Next Steps

If the Committee recommends approval of the CCU as described above, and votes to move the Clerk File to full Council, I will draft Council Findings, Conclusion and Decision (FC and D) for full Council review and vote.