

**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

**KING COUNTY, DEPARTMENT
OF NATURAL RESOURCES,
WASTEWATER TREATMENT
DIVISION**

CF 311872

Department Reference:
3012604

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for Council conditional use approval for
expansion of a public facility

Introduction

King County, Department of Natural Resources, Wastewater Treatment Division applied for Council conditional use approval to allow expansion of an existing sewage treatment plant located at 4215 36th Avenue West. A hearing on the application was held before the Hearing Examiner (Examiner) on June 12, 2012. The Applicant was represented by Pam Erstad, Regulatory Specialist, King County Wastewater Treatment Division. The Director was represented by Tamara Garrett, Senior Land Use Planner. The record closed on June 12 following the Examiner's site visit that day.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code (SMC or Code) unless otherwise indicated. Having considered the evidence in the record and visited the site, the Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

Site and Vicinity

1. The West Point Treatment Plant (the Plant) is part of King County's wastewater treatment system and is located in Discovery Park in the Magnolia neighborhood. The Plant is on the shores of Puget Sound and provides primary and secondary wastewater treatment.
2. The Plant is surrounded by high retaining walls, berms, and native landscaping that blends in with the Park. It has been in its present 32-acre configuration since the late 1990s and is entirely covered with impervious surfaces.
3. The site is surrounded by the Park and is accessed via a long access easement through the Park. It is zoned for single-family use. The closest single-family uses are set back

from the bluff above the Plant, approximately 3000 feet from the site. Because of the extensive landscaping, the Plant is nearly invisible from that location.

Proposal

4. The Washington State Department of Ecology has recently adopted biosolids management regulations, at WAC 173-308-205, that require all treatment plants to "significantly remove manufactured inerts" (plastics, metals, ceramics, etc.) from biosolids by screening through bar screens with a maximum opening of 3/8 inch. Exhibit 4.

5. The Applicant proposes to replace the Plant's existing 5/8 inch bar screens and further upgrade the screening handling facilities in the Raw Sewage Pump Building (Screenings Room). In addition, the proposal includes construction of a new Screenings Handling Building, south of and adjacent to the existing Screenings Room, to house the screenings and the facilities needed to accommodate the anticipated five-fold increase in screened material.

6. Two enclosed, inclined conveyor belts would move raw screenings from the existing Screenings Room to the proposed Screenings Handling Building. See Exhibit 10 at 6. The ventilation system for the Screenings Handling Building would increase air flow through the existing odor control system by approximately 8,500 cubic feet per minute. It would also induce negative pressure in both the Screenings Room and the proposed Screenings Handling Building to prevent transfer of odorous air from the Screenings Room through the inclined belt conveyor and into the Screenings Handling Building. The equipment in the new building would grind, wash, dry, compact, load and haul the screened material.

7. Using an EPA air dispersion model, the Applicant determined that the proposal would cause no effective change in odor impacts (.36%, which is within the model's margin of error). With the project, the existing odor control system would be handling only about 80 percent of the air flow upper limit. Based on discussions with the Puget Sound Clean Air Agency (PSCAA), the Applicant determined the proposal did not require a Notice of Construction to PSCAA.

8. If the building were constructed, it is anticipated that there would be only an occasional need to open the roll-up door on the existing Screenings Room, thereby reducing the potential for nuisance odors to escape.

9. The proposed new building would be covered by the Plant's approved plan for use of sodium hypochlorite for disinfection.

10. The proposed new two-story building would have a footprint of approximately 4,174 square feet and be approximately 33.6 feet high. See Exhibit 1, Sheet C0001. It would be a process facility only, with no office space, restrooms or employee break facilities.

11. The Screenings Handling Building would be located within the existing walls of the Plant, *see* exhibit 10 at 2, and would be screened by the existing retaining walls, berms and landscaping.
12. The proposed building height would be the same as, or lower than adjacent buildings. It would not be visible from Puget Sound or from most trails within Discovery Park. *See* Exhibit 5, Appendix A.
13. Lighting from the proposed building would be directed downward to avoid glare and spillage. *See* Exhibit 8.
14. The Plant is operated 24 hours per day, and the hours would not change with the construction of the Screenings Handling Building.
15. There would be no changes to the Plant's Transportation Plan. The increase in the screenings to be removed from the site would add approximately 200 truck trips per year, but that is expected to be offset by a reduction in biosolids loads of 480 truck trips per year, for an overall reduction of approximately 280 truck trips per year. The screenings containers would be stationed on and hauled out on single trailers rather than the double trailers presently used to haul screenings containers.
16. Because there would be no increase in the number of employees, transportation patterns would be expected to remain as they are today once construction was completed.
17. During construction, truck and passenger vehicle trips would increase along the existing access route, West Government Way, which is a designated arterial.
18. Construction would also result in a temporary increase in noise, but the Applicant has committed to compliance with the City noise ordinance.

Director's Review

19. The Director of the Department of Planning and Development (Director) determined under SMC 23.51A.002.D.2.b that the proposal did not require an early determination of feasibility because it was not complex, did not involve the phasing of programmatic and project-specific decisions and did not affect more than one site in a single-family zone.
20. The Director reviewed the proposal in light of Code requirements for expansion of a sewage treatment plant and recommended that it be approved without conditions.
21. On November 24, 2011, King County issued a Determination of Nonsignificance (DNS) for the proposal pursuant to the State Environmental Policy Act (SEPA), which was not appealed. The Director reviewed the DNS and SEPA checklist and analyzed the proposal's probable short-term impacts. The Director determined that the proposal would have no long-term adverse impacts, and that no SEPA-based conditions were required to mitigate short-term construction impacts.

Public Comment

22. Neither the Director nor the Examiner received any public comments on the proposal, and no members of the public testified at the hearing.

Applicable Law

23. SMC 23.51A.002.D reads as follows:

D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under ... 23.51A.002.D.3 ... are met.

1. Applicable Procedures. A decision on an application for the expansion or reconfiguration of a sewage treatment plant is a Type IV Council land use decision....

2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social and economic impacts on the community, and the intent to preserve and to protect the physical character of single-family areas, and to protect single-family areas from intrusions of non-single-family uses.

....
3. Conditions For Approval of Proposal.

a. The project is located so that adverse impacts on residential areas are minimized;

b. The expansion of a facility does not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with single-family residences;

c. A facility management and transportation plan is required [and] ... shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;

d. Measures to minimize potential odor emissions and airborne pollutants including methane shall meet the standards of and be consistent with best available technology as determined in consultation with the Puget Sound Clean Air Agency (PSCAA) and shall be incorporated into the design and operation of the facility.

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

g. The bulk of facilities shall be compatible with the surrounding community....

h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility;

i. No residential structures, including those modified for nonresidential use, are demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to SMC 23.76.052.
2. No long-term adverse environmental impacts, economic impacts or social impacts are expected as a result of the proposal. Short-term environmental impacts would be limited to temporary construction impacts identified and reviewed in the DNS and by the Director. Short-term economic impacts would be the creation of short-term construction jobs. Long-term environmental impacts are expected to be positive.
3. There is no evidence that the proposal would have any negative impact on the character of single-family areas because it is located a great distance from, and would be nearly invisible to single-family uses. There would be no intrusion of non-single-family uses.
4. There is no feasible alternative to locating the new Screenings Handling Building on the site, as it is an integral element of the sewage treatment process that takes place there.
5. The siting, landscaping, and lighting for the proposal will minimize any adverse impacts on residential areas, and the proposal would not appreciably aggravate impacts incompatible with single-family residences. Increases in traffic and noise impacts will be limited to the construction phase of the project.
6. The Plant has a Facility Plan registered with the Department of Ecology. The Plant's Transportation Plan will remain intact and be unchanged by the proposal, as will the hours of operation. Noise, traffic and parking impacts will be temporary and related to construction. Truck traffic will be reduced.

7. The facility design and proposed operation incorporate numerous measures to prevent transfer or escape of odorous air. As noted, the Applicant has reviewed the proposal with PSCAA, and regulated odor emissions will remain unchanged. Operational best practices will reduce the potential for nuisance odors.
8. The proposal would have no effect upon the handling and use of hazardous and potentially hazardous chemicals at the Plant.
9. The proposal would have no effect on the Plant's existing vehicular access via West Government Way.
10. The proposal is similar in height and bulk to some of the smaller buildings within the Plant. It would be screened by the high walls and landscaped berms on the outer perimeter of the Plant and would not be visible from most Discovery Park trails. Light and glare would be well controlled, and the landscaped berms would reduce noise impacts, which are expected to remain unchanged.
11. The proposal does not involve the demolition of residential structures or their modification for nonresidential use.
12. The proposal meets all applicable Code requirements for an expansion of an existing sewage treatment plant.

Recommendation

The Hearing Examiner recommends that the City Council **APPROVE** the requested conditional use.

Entered this 15 day of June, 2012.


Sue A. Tanner
Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the

date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Built Environment Committee
c/o Seattle City Clerk
600 Fourth Avenue, Floor 3 (physical address)
P.O. 94728 (mailing address)
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.

