



CITY OF KIRKLAND
Planning and Community Development Department
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www.ci.kirkland.wa.us

MEMORANDUM

QUASI-JUDICIAL

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Tony Leavitt, Associate Planner

Date: February 5, 2009

Subject: APPEAL OF HEARING EXAMINER DECISION ON PUGET SOUND ENERGY
JUANITA SUBSTATION VARIANCE PERMIT (PCD FILE NO. ZON08-00010)

RECOMMENDATION

Per the direction given at the February 3rd City Council Meeting, adopt the resolution that Staff has prepared.

BACKGROUND DISCUSSION

At the February 3rd City Council Meeting, an appeal of the Hearing Examiner's Approval of the PSE Juanita Substation Variance Permit was brought before the City Council for their consideration. For a copy of this agenda item, click on the following link:

http://www.ci.kirkland.wa.us/CouncilPacket/020309/9a_PublicHearings.pdf

At this meeting the Council heard from Staff, Mr. Michael Spence (the appellant's representative), and Mr. Robert Heller (the applicant's representative). After hearing from these parties, Council approved a motion for Staff to return to the February 17th Meeting with a resolution to modify the Hearing Examiner's Approval by requiring additional landscaping within the required landscape buffers.

In order to address Council's request for additional buffer plantings, Staff consulted with the City's Urban Forester, Deborah Powers. She recommends the following buffering standard: 1 tree per 10 linear feet of land use buffer (compared to the standard 1 tree per 20 linear feet) and at least 80% of the trees shall be evergreen (compared to the standard 70%). This will be result in twice as many trees and better screening of the facility. Additionally, she recommends that the minimum

conifer tree height, at planting, remain at 8 feet. Requiring taller trees is not the best approach for the long term survivability of the plantings and the availability of these size trees is limited.

RESOLUTION R-4744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING AND MODIFYING THE HEARING EXAMINER DECISION APPROVING VARIANCES FOR THE PUGET SOUND ENERGY JUANITA SUBSTATION IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON08-00010.

WHEREAS, Roque Bamba of Puget Sound Energy (PSE) filed an application with the Department of Planning and Community Development for a Process IIA zoning permit and approval of variances to expand and rebuild the existing PSE Juanita electric distribution substation located within a RSX 7.2 zone; and

WHEREAS, the Hearing Examiner held an open record hearing on the application on December 4, 2008; and

WHEREAS, after considering all of the documents, testimony, and comments submitted at the hearing, the Hearing Examiner entered her Findings, Conclusions, and Decision approving the requested variances and zoning permit; and

WHEREAS, Steve Ryan filed a timely appeal of the Hearing Examiner decision to approve the variances on December 30, 2008; and

WHEREAS, the City Council, in a closed record appeal hearing held during the February 3, 2009, regular meeting, having carefully considered the appeal, the staff report on the appeal, the record developed in the hearing before the Hearing Examiner, and the oral and written arguments of the persons entitled to participate in the appeal hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland:

Section 1. Except as provided in Section 3, the Hearing Examiner decision approving variances for the Puget Sound Energy Juanita Substation is affirmed and the Findings, Conclusions, and Decision of the Hearing Examiner entered December 12, 2008, and filed in the Department of Planning and Community Development File No. ZON08-00010 are adopted by the City Council.

Section 2. The Hearing Examiner provided that the applicant would comply with all landscape buffer requirements of Kirkland Zoning Code (KZC) 95.40.6.a. *Conclusion 6 of the Hearing Examiner Findings, Conclusions, and Decision.*

Section 3. The City Council concludes that the applicant should exceed the landscape buffer requirements of KZC 95.40.6.a.1 and plant, within the required buffers, trees at a rate of one tree per ten linear feet of land use buffer. At least 80 percent of the trees shall be evergreen trees.

Passed by majority vote of the Kirkland City Council in open meeting this
_____ day of February, 2009.

MAYOR

ATTEST:

City Clerk