



CITY OF KIRKLAND

Planning and Community Development Department
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**ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Houghton Community Council
Kirkland Hearing Examiner

From: _____ Tony Leavitt, Associate Planner
_____ Eric R. Shields, AICP, Planning Director

Date: April 18, 2008

File: HOUGHTON TRANSFER STATION MITIGATION PROJECT, ZON07-00039

Hearing Date and Place: April 28, 2008
City Hall Council Chamber
123 Fifth Avenue, Kirkland

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. INTRODUCTION	2
A. APPLICATION	2
B. RECOMMENDATIONS	3
II. FINDINGS OF FACT AND CONCLUSIONS	4
A. SITE DESCRIPTION	4
B. HISTORY	5
C. PUBLIC COMMENT	5
D. STATE ENVIRONMENTAL POLICY ACT (SEPA)	6
E. APPROVAL CRITERIA	7
F. DEVELOPMENT REGULATIONS	7
G. COMPREHENSIVE PLAN	10
H. DEVELOPMENT STANDARDS	10
III. SUBSEQUENT MODIFICATIONS	10
IV. CHALLENGES AND JUDICIAL REVIEW	10
A. CHALLENGE	10
B. JUDICIAL REVIEW	11
V. LAPSE OF APPROVAL	11
VI. APPENDICES	11
VII. PARTIES OF RECORD	11

I. **INTRODUCTION**

A. **APPLICATION**

1. Applicant: King County Department of Natural Resources and Parks, Solid Waste Division
2. Site Location: Houghton Transfer Station located at 11724 NE 60th Street (see Attachment 1).
3. Request: The Houghton Transfer Station Mitigation Project includes several independent improvements intended to increase customer and employee operational safety, and to lessen noise impacts associated with day-to-day transfer station operations on adjacent residential properties. A more detailed Project Description (see Attachment 2) and Development Plans (see Attachment 3) are attached.

The proposed project includes the following five components:

Roof Structure Replacement

The replacement of the existing transfer building roof structure (currently 25.83 feet in height) with a new 43.25 foot high structure. A taller roof structure for the transfer building is being proposed in order to provide additional vertical clearance between the floor and the ceiling and to reduce the number of roof support columns. The existing low roof and numerous columns conflict with customer traffic and commercial truck movements, particularly inhibiting the tipping process of large commercial collection vehicles. The new roof structure will not alter the existing footprint of the transfer building. Additionally a fire suppression sprinkler system will be installed in the replacement roof structure, as the existing structure has no sprinkler system.

Trailer Yard Reconfiguration

The existing trailer (solid waste container) yard located west of the transfer station will be expanded to the east from the existing 13,760 square feet of paved area to 33,410 square feet. This expansion will provide additional maneuvering area for transferring trailers. The proposal includes increasing the number of “aisles” for transfer trailer parking from 7 to 14, though the number of trailers to be temporarily stored on the site will remain a maximum of 18 (which is the maximum number approved as part of the 1990 permit). Three additional pole-mounted light fixtures will be added at the perimeter of the yard to increase visibility when natural lighting levels are low. The lights will be baffled and directed downward so that light does not intrude on adjoining residential properties to the west.

Sound Wall Installation

A 433-foot long sound wall is proposed along the west boundary of the site. The wall will be 12 feet tall along the majority of the west boundary. At the location where the wall encroaches on a wetland buffer from the west, the wall will be constructed at a height of 6 feet, to replace existing fencing.

Loading Bay Approach Road

The proposal includes widening the paved approach road to the transfer station loading bay from 18 feet to 24 feet, and increasing the radius of the curve from approximately 68 feet to 73 feet. Additionally, the project includes new traffic control measures, including signage and striping, to ensure proper flow of traffic through the transfer station.

Pedestrian Pathway

A pedestrian pathway will be constructed along the north side of NE 60th Street between 116th Avenue NE and 120th Avenue NE.

4. Review Process: Process IIB, Houghton Community Council and Hearing Examiner conduct a public hearing and make recommendations; City Council makes final decision. The Houghton Community Council has disapproval jurisdiction over the land use proposal.
5. Summary of Key Issues:
 - Compliance with Zoning Permit Approval Criteria (see Section II.E)
 - Compliance with Applicable Development Regulations (see Section II.F)

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed.
2. As part of the building permit application for the proposed sound wall, the applicant shall design the sound wall to minimize impacts on the existing landscaping. Additionally the applicant shall submit a Tree Plan II, per the requirements of KZC Section 95.35.2.b.2, if applicable (see Conclusion II.F.2).

3. As part of the building permit application, the applicant shall provide a lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85 (see Conclusion II.F.4).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: The subject property is approximately 25 acres in size with 6.68 acres of the lot area being dedicated for the transfer station use.
 - (2) Land Use: The subject property contains the Houghton Transfer Station which is considered a "Government Facility Use" by the Kirkland Zoning Code. Additionally the subject property contains a landfill and the Taylor Sports Park.
 - (3) Zoning: Park/ Public Use (P) (see Attachment 5)
 - (4) Terrain: The site slopes from the east to west with significant elevation changes along the east side of the transfer station roof structure. The southeast portion of the transfer station site is located within a Moderate Landslide Hazard Area. The applicant has submitted a Geotechnical Report for the project (see Attachment 12).
 - (5) Vegetation: The subject property contains landscaping that was installed as part of a previous zoning permit approval. A majority of this landscaping will not be impacted by this proposal.
 - b. Conclusions:
 - (1) Size and terrain are not relevant factors in the review of this application.
 - (2) Land use and zoning are relevant factors in the review of this application, due to the fact that the Park/ Public Use Zone Chart requires that a Government Facility located at the Houghton Landfill be approved thru a Process IIB Review Process (see Section II.E).
 - (3) Existing vegetation on the subject property is a factor in the review of the proposed development (see Section II.F.2).

2. Neighboring Development and Zoning:
 - a. The neighboring properties are zoned as follows and contain the following uses:

North: Zoned RS 8.5, Developed with single-family residences

West: Zoned RS 8.5, Developed with single-family residences

South: Bridle Trails State Park

East: Zoned RS 8.5, Developed with single-family residences
 - b. Conclusion: The neighboring development and zoning are factors in the review of the application.

B. HISTORY

1. Facts:
 - a. In 1990, the City Council and the Houghton Community Council approved a Master Plan Application (III-89-90) to allow the construction of the existing trailer yard. The Master Plan Approval included Conditions of Approval, SEPA Mitigation Measures, and Development Standards that governed the uses and activities associated with the Houghton Transfer Station (see Attachment 6).
 - b. In October of 2005, the City of Kirkland and King County Solid Waste Division signed a non-binding Memorandum of Understanding (see Attachment 11). Proviso 7 of this agreement states that “King County shall honor the Comprehensive Solid Waste Management Plan policy RTS-3, which states: The county should focus capital investment in part to expand, relocate, or replace, or any combination thereof, transfer stations when safety, efficiency, capacity, or customer services needs cannot be met by existing transfer facilities”.
2. Conclusion: All applicable Conditions of Approval, SEPA Mitigation Measures, and Development Standards associated with the previous Master Plan Approval (III-89-90) continue to govern the uses and activities associated with the Houghton Transfer Station.

C. PUBLIC COMMENT

1. Facts: The public comment period ran from January 23rd to February 22nd, 2008. The Planning Department received a total of 2 comment letters (see Attachments 7 and 8) during this comment period. The issues raised in the letters along with staff responses follow:

- Sound Wall Installation

One Neighbor expressed the desire to install a sound wall along the north and south sides of the transfer station.

Staff Response: The applicant submitted an Acoustical Study that concluded a sound wall along the west property line was needed to mitigate potential noise impacts (see Attachment 13). A sound wall along the north and south sides of the facility was not an identified mitigation.

- Hours of Operation

One neighbor requested that the facility not allow commercial trucks after 7pm.

Staff Response: The 1990 Master Plan Approval restricted the hours of operation from 7 am to 8 pm.

- Reduction in Solid Waste Tonnage

One neighbor suggested that King County Solid Waste Division reduce the overall solid waste tonnage to 135,000 tons annually.

Staff Response: In October of 2005, the City of Kirkland and King County Solid Waste Division signed a non-binding Memorandum of Understanding (see Attachment 11). Proviso 1 of this agreement states “reduce solid waste at the Houghton Transfer Station to a maximum annual tonnage of 135,000 tons per year over a ten year period.

- Excavation of Landfill Refuse

A neighbor is concerned that the “trailer yard configuration” will expose neighbors and users of the Taylor Sports Fields to hazardous soil conditions.

Staff Response: The applicant, as part of the SEPA Determination (Attachment 9), outlines mitigations to alleviate potential exposure during construction of this component of the project.

- Onsite Traffic Controls

A neighbor would like to see onsite traffic controls to eliminate congestion.

Staff Response: The applicant is proposing to implement a progressive signage and striping program to try to improve this situation and ensure proper flow of traffic through the transfer station.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: Pursuant to WAC 197-11-924, the King County Department of Natural Waste and Parks- Solid Waste Division assumed Lead Agency status for the project. A Determination of Nonsignificance (DNS) was issued by King County on December 11, 2007. The Environmental Determination and Checklist are included as Attachment 9.
2. Conclusion: King County Department of Natural Waste and Parks- Solid Waste Division has satisfied the requirements of SEPA.

E. APPROVAL CRITERIA

1. GENERAL ZONING CODE CRITERIA

- a. Facts: Zoning Code section 152.70.3 states that a Process IIB application may be approved if:
 - (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - (2) It is consistent with the public health, safety, and welfare.
- b. Conclusion: The proposal complies with the criteria in section 152.70.3. It is consistent with all applicable development regulations (see Sections II.F) and the Comprehensive Plan (see Section II.G). In addition, it is consistent with the public health, safety, and welfare because it will allow the applicant to make onsite safety and mitigation improvements to the existing facility while reducing noise impacts on neighboring properties.

F. DEVELOPMENT REGULATIONS

1. Right-of-Way Improvements

- a. Facts:
 - (1) KZC Chapter 110 establishes requirements for the improvements that an applicant must make within the public rights-of-way that abut the subject property (see Attachment 10).
 - (2) The subject property abuts NE 60th Street which is shown on the City Rights-of-Way Designation Map as a Collector Street.
 - (3) KZC Section 110.40 outlines the requirements for a collector street. A collector street is typically improved with the standard concrete curb and gutter, a landscape strip with street trees, and a 5 ft wide sidewalk.
 - (4) KZC Section 110.70 states that if the proposed development of the subject property requires approval through a Process IIB review process, a request for a public improvement modification will be considered as part of this process under the provisions of this section.
 - (5) KZC Section 110.70.3 states that the City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:
 - (a) If the improvement as required would not match the existing improvements.
 - (b) If unusual topographic or physical conditions preclude the construction of the improvements as required.
 - (c) If other unusual circumstances preclude the construction of the improvements as required.

- (d) If the City and a neighborhood has agreed upon a modified standard for a particular street
 - (6) In planning for this project, King County met with neighborhood representatives from South Rose Hill and Bridle Trails Neighborhood and City staff to develop a Memorandum of Understanding which outlined certain Transfer Station improvement conditions (see Attachment 11). One of the conditions that was requested by the neighborhood and agreed to by King County and the City was the modification of the required street improvements to a 5 ft wide asphalt path with a 6-inch concrete extruded curb. The City agreed with the proposed modification as it was requested by the neighborhood and it would match similar improvements along NE 60th St. directly east of the Transfer Station property.
 - (7) As part of this application, the applicant is proposing a pedestrian pathway to be constructed along the north side of NE 60th Street between 116th Avenue NE and 120th Avenue NE. The pathway is proposed as a 5-foot wide asphalt surface with extruded curbing. Pedestrian refuge areas will be provided in front of the transfer station, along with thermoplastic crosswalk markings across the driveway entrances. Some lengths will include a planter area buffer for path separation from NE 60th Street (see Attachment 3).
 - b. Conclusions: The application meets the criteria for a modification of the right-of-way improvement requirements for NE 60th Street. Pursuant to section 110.70.3 a modification is justified, because the improvement as required by Chapter 110 would not match the existing improvements that exist to directly east of the subject property. Additionally a modification is justified as the Memorandum of Understanding is a usual circumstance that precludes the construction of the improvements as required.
2. Landscaping Requirements
- a. Facts:
 - (1) The Park/ Public Zoning Chart does not establish a landscaping requirement for a Government Facility use.
 - (2) The installation of landscape buffers along the edges of the transfer station site were required as part of the 1990 Master Plan Approval (see Attachment 6).
 - (3) The proposed sound wall along the west property line has the potential to impact the landscape buffer along this property line.
 - b. Conclusions: As part of the building permit application for the proposed sound wall, the applicant should design the sound wall to minimize impacts on the existing landscaping. Additionally the applicant should submit a Tree Plan II, per the requirements of KZC Section 95.35.2.b.2, if applicable.

3. Wetland Buffer Impacts

a. Facts:

- (1) A Type II Wetland in a Primary Basin exists to the west of the subject property. A required 75 foot buffer, from the edge of the wetland, extends onto the western edge of the subject property.
- (2) KZC Section 90.20.5 states that “normal and routine maintenance or repair of structures; provided, that such activities do not increase the previously approved structure footprint within a sensitive area or its buffer” shall be exempt from the requirements of KZC Chapter 90.
- (3) Parallel wood and chain link fences exist along the western edge of the property within the required wetland buffer. The applicant is proposing to replace the existing fences with a new 6 foot high sound wall through the “routine maintenance” section of KZC Section 90.20.5 (see Attachment 14). The wall will be located on the same alignment as the two existing fences.

- b. Conclusion: The proposed sound wall is considered “routine maintenance”, per KZC Section 90.20.5, provided that the structure footprint within the wetland buffer is not increased.

4. Lighting Requirements

a. Facts:

- (1) KZC Section 115.85 states that the applicant shall select, place and direct light sources so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.
- (2) The applicant is proposing the addition of three yard lights to the trailer yard reconfiguration area, one new light along the lower bay approach tunnel, and new lighting within the replacement roof structure. According to the applicant’s proposal, all lights will baffled, shielded, and directed to the area of illumination.
- (3) The current submittal does not contain a detailed lighting plan that would show the location, height, fixture type, and wattage of proposed lights.

- b. Conclusion: As part of the building permit application, the applicant should provide a lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85.

G. COMPREHENSIVE PLAN

1. Fact:
 - a. The subject property is located within the Bridle Trails neighborhood. The Bridle Trails Neighborhood Land Use Map designates the subject property as a public facility and park use (see Attachment 15).
 - b. Bridle Trails Neighborhood Plan Section 2 (Natural Environment) states some areas of the transfer site may be subject to uneven settlement and contamination problems due to past landfill activities.
 - c. The applicant has submitted a Geotechnical Report to address potential soil settlement issues and mitigations (see Attachment 12).
2. Conclusion: The proposal is consistent with the public facility and park use designation and the Bridle Trails Neighborhood Natural Environment Section within the Comprehensive Plan.

H. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

III. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

A. CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 15 are attached.

1. Vicinity Map
2. Project Description
3. Development Plans
4. Development Standards
5. Park Use Zone Chart
6. III-89-90 Notice of Approval
7. Letter from Art Yeoman
8. Letter from Raymond and Patricia Schlienzy
9. SEPA Determination and Checklist
10. Kirkland Zoning Code Chapter 110
11. Memorandum of Understanding Between King County Solid Waste Division and the City of Kirkland
12. Geotechnical Report prepared by Pacific Rim Geotechnical dated March 29, 2002
13. Acoustical Study prepared by The Greenbusch Group dated August 30, 2007
14. Wetland Assessment prepared by Herrera Environmental Consultants dated September 25, 2007
15. Bridle Trails Neighborhood Land Use Map

VII. PARTIES OF RECORD

Applicant: Francis Gaspay, King County Department of Natural Resources and Parks, Solid Waste Division; 201 South Jackson Street, Suite 701; Seattle, WA 98104-3855

Party of Record: Art Yeoman, 6520 116th Avenue NE, Kirkland, WA 98033

Party of Record: Raymond and Patricia Schlienzy, 12031 NE 67th Street, Kirkland, WA 98033

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

HOUGHTON COMMUNITY COUNCIL

A written recommendation will be forwarded to the Hearing Examiner within 10 days of the close of the public hearing, unless additional time is needed to receive further written testimony.

HEARING EXAMINER

A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.