



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3225**  
**[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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### **MEMORANDUM**

**To:** Houghton Community Council

**From:** Nancy Cox, AICP, Development Review Manager  
Tony Leavitt, Associate Planner

**Date:** September 2, 2008

**Subject:** Houghton Transfer Station Mitigation Project, ZON07-00039

The Houghton Transfer Station Mitigation project is in front of the Community Council on September 9, 2008 for Final Action. On August 5, 2008 the City Council adopted Resolution R-4716 (see Attachment 1) approving the zoning permit application (ZON07-00039) as recommended by the Kirkland Hearing Examiner. The Houghton Community Council can proceed under one of the following options:

1. Approve the application. A majority of the entire membership of the Houghton Community Council could vote by resolution to approve the project as granted by the City Council.
2. Disapprove the application. A majority of the entire membership of the Community Council could vote by resolution to disapprove the application.
3. Take No Action. Resolution 4716 goes into effect if no action is taken by the Houghton Community Council within 60 calendar days of the City Council adoption date of Resolution 4716.

Resolutions to approve or disapprove the application have been enclosed.

## **BACKGROUND DISCUSSION**

### Proposal

The Solid Waste Division of King County Department of Natural Resources and Parks is applying for approval of a zoning permit for the existing Houghton Transfer Station. The Houghton Transfer 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. The project includes replacement of the existing roof structure, reconfiguration of the existing trailer yard, installation of a sound wall along the west property line, and improvements to the existing loading bay approach road.

Prior to submitting the application for these improvements, King County met with neighborhood representatives from South Rose Hill and Bridle Trials Neighborhood and City staff to develop a Memorandum of Understanding (MOU) which outlined the proposed site improvements (see Attachment 11 to the Staff Report). One of the improvements that was requested by the neighborhood and agreed to by King County and the City was the modification of the KZC Chapter 110 public improvement requirements. KZC Section 110.40 requires that a collector street (for which NE 60<sup>th</sup> Street is classified as) be improved with storm drainage, concrete curb and gutter, a 4.5 foot wide landscape strip with street trees (where feasible), and a 5 foot wide concrete sidewalk.

Per the Memorandum of Understanding, the applicant is proposing modified public improvements to be constructed along the north side of NE 60<sup>th</sup> Street between 116<sup>th</sup> Avenue NE and 120<sup>th</sup> Avenue NE. A pedestrian 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 60<sup>th</sup> Street. In total, the applicant is proposing to install approximately 1285 feet of modified public improvements, while their actual property frontage approximately 760 feet in length.

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. Per this code section, the final decision regarding the proposed modification of the NE 60<sup>th</sup> Street public improvements is to be made by the City Council.

### Public Hearing

The Hearing Examiner and Houghton Community Council held open record public hearings on April 28, 2008 and May 27, 2008. After the conclusion of the May 27<sup>th</sup> Hearing, the Houghton Community Council deliberated and drafted a recommendation that was sent to the Hearing Examiner on May 28<sup>th</sup> (see Attachment 2). On June 2, 2008, the Hearing Examiner subsequently recommended approval of the application with conditions (see Attachment 3).

### Houghton Community Council and Hearing Examiner Recommendations

The Houghton Community Council concurred with the staff analysis and the recommendation of approval except that the Community Council recommended including the following additional conditions:

- Limiting tonnage - The Community Council discussed limiting tonnage as a way to control growth of the facility. The HCC is concerned that the proposed improvements will allow for increased use of the facility. They recommend limiting tonnage to 2007 levels of 182,000 tons/year plus a percentage growth factor of 1% per year.
- Public Improvements - The Community Council discussed the neighborhood's desire for full public improvements along NE 60<sup>th</sup> Street. The Community Council recommends no modification of public improvements and to comply with requirements of KZC Section 110.40.

The Hearing Examiner addressed these additional conditions in her recommendation and concluded the following:

- The Examiner found no authority in the Plan, the MOU or the Code that would authorize imposing a tonnage limit as a condition on the present proposal. The MOU states agreement that the proposed improvements are not to increase capacity at the Transfer Station. Presumably this agreement covers the indirect increase in capacity that could result from increased efficiencies. The MOU also states that the County will abide by the Waste Export System Plan.
- Pursuant to KZC 110.70.3, a modification to public improvement requirements for Northeast 60<sup>th</sup> Street is justified: the Code-required improvements would not match existing public improvements directly east of the subject property; and the MOU negotiated with the neighborhood provides for modified public improvements.

### Challenge and Response to Challenge

One challenge to the Hearing Examiner's recommendation was filed in a timely manner on June 10, 2008. The challenge was filed by Andrew Held who was a Party of Record to the application (see Attachment 4). The challenge contends that the Hearing Examiner made incorrect statements of facts and conclusions regarding the public improvement requirements.

The applicant and Raymond and Patricia Schlienzy filed timely responses to Andrew Held's Challenge on June 17, 2008 (see Attachments 5 and 6). The applicant's response letter contends that the Hearing Examiner was correct in her statement of facts and conclusions. Additionally, the applicant states that if the full public improvements are required "such improvements will increase our costs over approved budget appropriations and will seriously affect our ability to proceed further with implementation of the improvements at the station".

Raymond and Patricia Schlienzy state in their response letter that the City should require the full frontage improvements as required by KZC Chapter 110.

To help explain the Public Works Department's justification for recommending approval of modified public improvements along NE 60<sup>th</sup> Street, Rob Jammerrman prepared a memo to Planning Staff that was provided to the City Council at the July 15<sup>th</sup> meeting (see Attachment 7).

### City Council Action

At the July 15<sup>th</sup> City Council meeting, Staff provided a overview of the application, the recommendations by the Houghton Community Council and the Hearing Examiner, the challenge and the responses to the challenge. Prior to Council deliberation, Mr. Andrew Held (the challenger) and Mr. Neil Fujii (the applicant) were allowed to speak to clarify their positions. Raymond and Patricia Schlienzy were not in attendance at the meeting.

After hearing from these parties, Council deliberated and directed Staff to return to the August 5<sup>th</sup> meeting with a resolution that reflected the Hearing Examiner's Recommendation for Approval with Conditions. During their deliberations, the City Council discussed the Memorandum of Understanding and their desire to uphold the agreement. Houghton Community Council members may view the recorded July 15<sup>th</sup> City Council Meeting to fully understand the City Council's decision at the following link:

[http://www.ci.kirkland.wa.us/depart/council/Watch\\_Council\\_Meetings.htm](http://www.ci.kirkland.wa.us/depart/council/Watch_Council_Meetings.htm)

On August 5<sup>th</sup>, 2008, the City Council adopted Resolution 4716 approving the application per the Hearing Examiner's Recommendation.

## **ATTACHMENTS**

1. Resolution 4716
2. Houghton Community Council Recommendation
3. Hearing Examiner Recommendation (not including exhibits which were provided at the Public Hearings)
4. Challenge Filed by Andrew Held on June 10, 2008
5. Response to Challenge Filed by King County Solid Waste Division on June 17, 2008
6. Response to Challenge Filed by Raymond and Patricia Schlienzen on June 17, 2008
7. NE 60<sup>th</sup> Street Frontage Improvements Memo from Rob Jammerman dated June 30, 2008



RESOLUTION. R-4716

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00039 BY KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, SOLID WASTE DIVISION BEING WITHIN A PARK ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by King County Department of Natural Resources and Parks, Solid Waste Division, representing the owner of said property described in said application and located within Park zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, King County Department of Natural Resources and Parks, as SEPA Lead Agency, performed SEPA review for the application; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application has been submitted to the Hearing Examiner who held hearings thereon at her special meetings of April 28, 2008 and May 27, 2008; and

WHEREAS, the Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions, and Recommendation and did recommend approval of the Process IIB permit subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, as well as a timely filed challenge of said recommendation;

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

Section 1. The findings, conclusions, and recommendation of the Hearing Examiner as signed by the Hearing Examiner and filed in the Department of Planning and Community Development File No. ZON07-00039 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendation heretofore given by the Houghton Community Council, the subject matter of this resolution and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendation adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

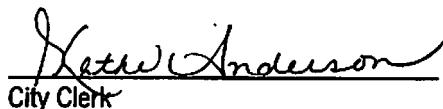
Section 7. A copy of this resolution, together with the findings, conclusions, and recommendation herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

PASSED by majority vote in open meeting of the Kirkland City Council on the 5th day of August, 2008.

SIGNED IN AUTHENTICATION thereof this 5th day of August, 2008.

  
Mayor

Attest:

  
City Clerk





**Houghton Community Council**  
**CITY OF KIRKLAND**

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**MEMORANDUM**

**To:**

Sue Tanner, Hearing Examiner

**From:**

  
Rick Whitney, Chair, Houghton Community Council

**Date:**

May 27, 2008

**Subject:**

HOUGHTON TRANSFER STATION MITIGATION PROJECT, ZON07-00039  
RECOMMENDATION OF HOUGHTON COMMUNITY COUNCIL

**Recommendation to the Hearing Examiner:**

After consideration of the testimony and record presented at the public hearings on File ZON07-00039 held on April 28 and May 27<sup>th</sup>, 2008, the Houghton Community Council (HCC) concurs with the staff analysis and recommendation of approval, with the following additional recommendations:

Recommendation 1

Limiting tonnage - The Community Council discussed limiting tonnage as a way to control growth of the facility. The HCC is concerned that the proposed improvements will allow for increased use of the facility. They recommend limiting tonnage to 2007 levels of 182,000 tons/year plus a percentage growth factor of 1% per year.

Recommendation 2

Frontage Improvements - The Community Council discussed the neighborhood's desire for full frontage improvements. They heard from Andy Held that there was a unanimous vote of the neighborhood association board recommending code mandated improvements.

The Community Council recommends no modification of frontage improvements and to comply with Chapter 110 requirements for a Collector Street as determined by Public Works.

Recommendation 3

Hours of Operation – The Community Council discussed this issue and determined that the existing condition #4 from prior permit III-89-90 adequately addressed the hours of operation.

Recommendation 4

Sound Barrier – The Community Council reviewed the applicant's proposal for the sound wall and recommends that the acoustical study submitted should be followed and verified.

Recommendation 5

Construction monitoring - The Community Council discussed concerns about air quality during construction and notification of neighbors. They reviewed the letter from Health and Human Services in Attachment 8 to the Staff Report and determined that the recommendations in the letter should be followed. In addition, the SEPA mitigations regarding this issue should be followed.

Recommendation 6

Lighting – The Community Council concurs with staff recommendation #3 regarding lighting.

Recommendation 7

Landscaping – The Community Council concurs with staff recommendation #2 regarding landscaping.

Motion – To approve this recommendation regarding the Houghton Transfer Station as written. (5 yes, 1 no)

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND RECOMMENDATION**

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**APPLICANT:** King County Department of Natural Resources and Parks, Solid Waste Division

**FILE NO:** ZON07-00039

**APPLICATION:** HOUGHTON TRANSFER STATION MITIGATION PROJECT, ZON07-00039

**Site Location:** Houghton Transfer Station located at 11724 NE 60<sup>th</sup> Street

**Request:** The Houghton Transfer Station Mitigation Project consists of improvements intended to increase customer and employee operational safety and reduce noise impacts associated with day-to-day transfer station operations on adjacent residential properties. The improvements include:

Roof Structure Replacement. Replacement of the existing transfer building roof structure (currently 25.83 feet in height) with a new 43.25 foot high structure to provide additional vertical clearance between the floor and ceiling and reduce the number of roof support columns, and the addition of a fire suppression system;

Trailer Yard Reconfiguration. Expansion of the existing trailer yard to provide additional maneuvering area for transferring trailers, while not increasing the number of trailers temporarily stored on-site, and the addition of three pole-mounted light fixtures at the perimeter of the yard;

Sound Wall Installation. Installation of a 433-foot-long sound wall along the west boundary of the site, 12 feet in height except where it encroaches on a wetland buffer and will be 6 feet in height;

Loading Bay Approach Road. Expansion of the paved approach road to the transfer station loading bay from 18 feet to 24 feet wide, enlargement of the radius of the curve, and installation of new traffic control measures;

Pedestrian Pathway. Construction of a pedestrian pathway along the north side of Northeast 60th Street between 116th and 120<sup>th</sup> Avenues Northeast.

**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.

**Summary of Key Issues:** Compliance with Zoning Code criteria and applicable development regulations.

**SUMMARY OF RECOMMENDATIONS:**

Department of Planning and Community Development	Approve with conditions
Houghton Community Council	Approve with conditions
Hearing Examiner	Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner and Houghton Community Council (Community Council) held a joint public hearing on the application at 7:00 p.m. on April 28, 2008, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. The hearing was continued to May 27, 2008 at 7 p.m. The record was held open to receive the Community Council's recommendation on the application, which was submitted on May 28, 2008. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site on April 28, 2008.

**PUBLIC COMMENT:**

The public comment period ran from January 23<sup>rd</sup> to February 22<sup>nd</sup>, 2008. The Planning Department received 2 comment letters during this period. (Attachments 7 and 8 to the Planning Department's Advisory Report dated April 18, 2008 (hereafter Exhibit A)).

Additional public comment letters and public testimony were received at the public hearing. A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this recommendation. The testimony is summarized in the hearing minutes.

Public comments generally related to: 1) the proposed sound wall – a desire that one be installed along the north and south sides of the Transfer Station as well as along the west property line, and a concern that construction of the west side sound wall would have negative impacts on an existing row of trees; 2) a desire that the hours of operation be further restricted; 3) requests that tonnage limitations be imposed and that the proposed improvements not increase capacity; 4) concern with air quality impacts of excavation of refuse; 5) a desire for full frontage improvements along Northeast 60<sup>th</sup> Street; 6) a desire for on-site traffic controls to eliminate congestion; and 7) a request that truck use of adjacent residential streets be reduced.

**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (KZC or Code) unless otherwise indicated. After considering the evidence in the record and the recommendation of the Houghton Community Council, and inspecting the site, the Examiner enters the following Findings of Fact and Conclusions:

## SITE DESCRIPTION

Site Development and Zoning:

Facts:

1. Size: The subject property is approximately 25 acres in size with 6.68 acres of the lot area being dedicated to 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). The Park/ Public Use Zone Chart states that if a proposal is for a government facility located at the Houghton Landfill it must be considered through a Process IIB Review Process. (Attachment 5 to Exhibit A)
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 (Attachment 12 to Exhibit A).
5. Vegetation: The subject property contains landscaping that was installed as part of a previous zoning permit approval. Most of this landscaping will not be impacted by the proposal.

Conclusions:

1. Size and terrain are not relevant factors in the review of this application.
2. Land use and zoning, and existing vegetation on the subject property are relevant factors in the review of this application.

Neighboring Development and Zoning:

Fact:

Neighboring properties are zoned and developed as follows:

1. **North, West and East**: Zoned RS 8.5; developed with single-family residences
2. **South**: Bridle Trails State Park

Conclusion: Neighboring zoning and development are factors to be considered in the review of this application.

## HISTORY

Facts:

1. In 1990, the City Council and the Houghton Community Council approved a Master Plan Application (III-89-90) for the Houghton Transfer Station, to allow construction of the existing trailer yard. (Part of the Master Plan Approval is included in Attachment 6 to Exhibit A.) The Approval included Conditions of Approval, SEPA Mitigation Measures, and Development Standards that govern the uses and activities associated with the Transfer Station.
2. One condition of Master Plan approval allows the Department of Planning and Community Development to approve modifications to the approved site plan

unless the "Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change". Notice of Approval, File III-89-90, Condition 2.b. The Planning Director has determined that the changes proposed by the applicant are not minor modifications to the approved Master Plan that can be approved by the Department.

3. In October of 2005, the City of Kirkland and King County Solid Waste Division (County) signed a non-binding Memorandum of Understanding (Attachment 11 to Exhibit A) (MOU), which outlines the mutual understanding and agreement between the City and County on certain King County Budget Provisos to a 2004 King County Capital Omnibus Ordinance, part of which is incorporated into the MOU.

4. The MOU indicates agreement that the County will proceed with the roof replacement and mitigation measures included in the current proposal.

5. Although Budget Proviso 1 states that solid waste at the Houghton Transfer Station should be reduced to a maximum annual tonnage of 135,000 tons per year over a ten year period, the MOU states agreement that the County will abide by the Waste Export System Plan adopted by King County and codified in the King County Code, with no restriction on maximum annual tonnage.

6. The MOU states agreement that the County will construct an ADA compliant pathway on the north side of Northeast 60th Street, from 116<sup>th</sup> Avenue Northeast to 120th Avenue Northeast, with a design similar to the asphalt pathway west of Ben Franklin Elementary School, but with the addition of extruded curb along its length.

7. The MOU states under Proviso 9, that "no capital improvements to this facility should lead to increased capacity," and the corresponding agreement states that "the projects planned at Houghton ... are intended to address safety and mitigation issues, not increase capacity." (Attachment 11 to Exhibit A at page 137)

8. In Resolution R-4527, the City Council recited that it had adopted the Revised Houghton Transfer Station Position Statement, stating that the City would work with King County "on a list of mitigation measures which is included in the Memorandum Of Understanding," and that the City's Solid Waste Subcommittee "conducted a series of meetings to ensure that the details of the projects for neighborhood mitigation met the needs of the neighborhood and conformed to the Houghton Transfer Station Position Statement". The Council then authorized and directed the City Manager to execute the MOU. (See Attachment 11 to Exhibit A at p. 133)

Conclusions:

1. 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.

2. The Director's determination that the present proposal is not a minor modification to the approved site plan reinforces the requirement that the proposal be considered through Review Process IIB.

3. The MOU affects the conditions that may be imposed upon the subject proposal.

## **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

Fact: Pursuant to WAC 197-11-924, the County assumed lead agency status for the project and issued a Determination of Nonsignificance (DNS) December 11, 2007. (The Environmental Determination and Checklist are included as Attachment 9 to Exhibit A.)

Conclusion: The County has satisfied SEPA requirements for the proposal.

## **TONNAGE/CAPACITY LIMITATION**

Facts:

1. Several members of the public testified about concerns that the proposal will allow increased capacity at the Transfer Station and expressed a desire to limit tonnage handled at the Station.
2. The Community Council also expressed concerns "that the proposed improvements will allow for increased use of the facility." Consequently, the Community Council recommended "limiting tonnage to 2007 levels of 182,000 tons/year plus a percentage growth factor of 1% per year."

Conclusion: The MOU states agreement that the proposed improvements are not to increase capacity at the Transfer Station. Presumably this agreement covers the indirect increase in capacity that could result from increased efficiencies. The MOU also states that the County will abide by the Waste Export System Plan. The Examiner finds no authority in the Plan, the MOU or the Code that would authorize imposing a tonnage limit as a condition on the present proposal.

## **DEVELOPMENT REGULATIONS**

Right-of-Way Improvements

Facts:

1. KZC Chapter 110 establishes requirements for improvements that an applicant must make within the public rights-of-way that abut the subject property (see Attachment 10 to Exhibit A).
2. The subject property abuts Northeast 60<sup>th</sup> Street, which is shown on the City Rights-of-Way Designation Map as a Collector Street.
3. Under KZC 110.40, a collector street is typically improved with a standard concrete curb and gutter, a landscape strip with street trees, a 5-foot wide sidewalk, and bike lanes if identified in the City's Nonmotorized Transportation Plan.
4. Under KZC 110.70, if a proposed development requires approval through a Process IIB review process, a request for a public improvement modification may be considered as part of the process.
5. KZC 110.70.3.a allows the City to grant a modification to the nature or extent of a required improvement if the required improvement would not match existing improvements. KZC 110.70.3.d allows the City to grant a modification if the City and a neighborhood have agreed to a modified standard for a particular street.
6. As reflected in the MOU and "Attachment 1" (see Attachment 11 to Exhibit A), the County met with neighborhood representatives from South Rose Hill and Bridle Trails Neighborhood and City staff to develop agreement on transfer station improvement conditions. One condition requested by the neighborhood, in order to maintain a rural look in the area and match improvements along NE 60th

St. directly east of the Transfer Station property, was modification of the required street improvements to allow a 5-foot-wide asphalt path with a 6-inch concrete extruded curb. The City and County agreed to the proposed modification.

6. Pursuant to the MOU, the County is proposing a pedestrian pathway to be constructed along the north side of Northeast 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 Northeast 60th Street (see Attachment 3 to Exhibit A).

7. At hearing, the South Rose Hill Neighborhood Association, as well as several other project neighbors expressed a preference for full frontage improvements on Northeast 60th Street pursuant to KZC 110.40. The Community Council also recommended full frontage improvements for Northeast 60th Street.

8. Rob Jammerman of the City's Department of Public Works testified that the agreement with the neighborhood on the Northeast 60th Street improvements was a package composed of the asphalt frontage improvements and 500 feet of off-site path improvements that the County has also agreed to construct. He testified further that the Rose Hill Neighborhood Association came to him after the MOU was signed and requested full half street improvements, but that the City recommended going forward with the improvements negotiated in good faith with the County pursuant to the MOU.

Conclusions:

1. Pursuant to KZC 110.70.3, a modification to right-of-way improvement requirements for Northeast 60<sup>th</sup> Street is justified: the Code-required improvements would not match existing improvements directly east of the subject property; and the MOU negotiated with the neighborhood provides for alternative improvements.

2. Although the testimony at hearing indicates that neighboring property owners would now prefer that full frontage improvements be constructed along Northeast 60th Street adjacent to the subject property, imposing such a requirement would likely require revisions to the "package" of sidewalk and off-site path improvements agreed to by the County, the City and the neighborhood.

3. The City Council authorized acceptance of the MOU, including the alternative improvements along Northeast 60th Street. The Hearing Examiner will not recommend different improvements now.

Landscaping Requirements

Facts:

1. Although the Park/Public Zoning Chart does not establish a landscaping requirement for a Government Facility use, installation of landscape buffers along the edges of the transfer station site was required as part of the 1990 Master Plan Approval (Attachment 6 to Exhibit A).

2. The proposed sound wall along the west property line has the potential to impact the landscape buffer along this property line.



Conclusions:

1. As part of the building permit application for the proposed sound wall, the applicant shall design the wall to minimize impacts on the existing landscaping.
2. The applicant shall submit a Tree Plan II, per the requirements of KZC 95.35.2.b.2, if applicable.

Wetland Buffer Impacts

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 90.20.5 exempts "normal and routine maintenance or repair of structures" from the requirements of KZC Chapter 90 if "such activities do not increase the previously approved structure footprint within a sensitive area or its buffer". (Attachment 14 to Exhibit A)
3. Parallel wood and chain link fences exist along the western edge of the property within the required wetland buffer. Pursuant to the "routine maintenance" section of KZC 90.20.5, the applicant is proposing to replace the existing fences with a new 6 foot high sound wall that will be located on the same alignment as the existing fences.

Conclusion: The proposed sound wall will qualify as "routine maintenance" under KZC 90.20.5 if the structure footprint within the wetland buffer is not increased.

Lighting Requirements

Facts:

1. KZC 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. 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.

Conclusion: 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 115.85.

Noise

Facts:

1. Several people testified at hearing about concerns with noise emanating from the Transfer Station.
2. The Community Council recommended that the acoustical study submitted by the County be followed and verified.
3. The acoustical study proposes three options for mitigation of noise impacts to ensure Code compliance, one of which is a sound barrier wall 6 feet in

height within the buffer impact zone and 12 feet in height outside the buffer impact zone.

Conclusion: The applicant has incorporated the recommendation of the acoustical study into the proposal.

Air Quality

Facts:

1. During construction work proposed in the trailer yard reconfiguration area, the cap over the former solid waste landfill site beneath the area will be breached.
2. Neighboring property owners expressed concern over air quality impacts on adjacent properties, which include a daycare site and a public park.
3. The Community Council recommended that the recommendations included in an August 15, 2002 comment letter from the Department of Health and Human Services (Attachment 8 to Exhibit A), and mitigation proposed in the SEPA checklist for air quality impacts, be followed.
4. The letter referred to by the Community Council recommends notifying daycare staff on days that refuse excavation is to occur; requiring the contractor to implement the "additional measures" to restrict dust migration outlined in the SEPA checklist when refuse excavation is occurring; and requiring that trucks carrying excavated refuse be covered during transport.
5. The "additional measures" referred to for controlling dust migration are stated in the SEPA checklist as "requiring contractor(s) to broom off and/or wash off trucks before leaving the site, use properly maintained equipment to minimize vehicle exhaust emissions, use electrically-powered equipment where practical, and avoid prolonged idling of vehicles and equipment." (Attachment 9 to Exhibit A at p. 89)
6. The SEPA checklist also states at section B.2.c that "[d]uring refuse excavation, the contractor will be required to implement Best Management Practices to control odors. Representative measures include applying an odor-neutralizing agent, and providing daily cover over exposed landfill areas. An Environmental Protection Plan (EPP) will be prepared in accordance with guidelines established by the Seattle-King County Public Health Department. The EPP will address all requirements for waste excavation." (Attachment 9 to Exhibit A at p. 89)

Conclusions:

1. The air quality mitigation measures set forth in the SEPA checklist are considered to have been incorporated into the applicant's proposal.
2. The additional mitigation measures in the Department of Health and Human Services letter (notification of daycare staff, requiring that trucks carrying excavated refuse be covered during transport, and requiring the contractor to implement the "additional measures" to restrict dust migration outlined in the SEPA checklist) shall be imposed as conditions of approval of the building permit.

## COMPREHENSIVE PLAN

### Facts:

1. The subject property is located within the Bridle Trails neighborhood, and is designated as a public facility and park use by the Bridle Trails Neighborhood Land Use Map. (Attachment 15 to Exhibit A)
2. Section 2 of the Bridle Trails Neighborhood Plan (Natural Environment) states that some areas of the transfer site may be subject to uneven settlement and contamination problems due to past landfill activities.
3. The applicant has submitted a Geotechnical Report that discusses potential soil settlement issues and recommends measures to address them. (Attachment 12 to Exhibit A)

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.

## DEVELOPMENT STANDARDS

Fact: Additional comments and requirements placed on the project are found in the Development Standards, Attachment 4 to Exhibit A.

Conclusion: The applicant shall follow the requirements set forth in Attachment 4 to Exhibit A.

## GENERAL APPROVAL CRITERIA

Fact: KZC 152.70.3 states that a Process IIB application may be approved if it is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan, and is consistent with the public health, safety, and welfare.

Conclusion: The proposal is consistent with all applicable development regulations and the Comprehensive Plan. Because it will allow the applicant to make onsite safety and mitigation improvements to the existing facility while reducing noise impacts on neighboring properties, it is also consistent with the public health, safety and welfare. Thus, the proposal complies with KZC 152.70.3.

## RECOMMENDATION

Based on Findings of Fact and Conclusions, the Hearing Examiner recommends that the City Council **APPROVE** 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 to Exhibit A, Development Standards, is provided 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 to Exhibit A, the condition of approval shall be followed.

**Hearing Examiner Recommendation**

**File No. ZON07-00039**

**Page 10 of 12**

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.
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.
4. The additional mitigation measures suggested in Attachment 8 to Exhibit A, (the Department of Health and Human Services letter of August 15, 2002 on air quality impacts), including notification of daycare staff on days that refuse excavation is to occur, requiring that trucks carrying excavated refuse be covered during transport, and requiring contractors to implement the "additional measures" to restrict dust migration outlined in the SEPA checklist at page 89 of Exhibit A shall be imposed as conditions of approval of the building permit.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2008, per authority granted by KZC 152.70. A final decision on this application will be made by the City Council.

---

Sue A. Tanner  
Hearing Examiner

**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.

**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.

**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.

### **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.

### **LAPSE OF APPROVAL**

The applicant must submit to the City a complete building permit application approved under Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

### **TESTIMONY:**

The following persons testified at the public hearing:

#### **From the City:**

Tony Leavitt, Project Planner  
Rob Jammerman, Development  
Engineering Manager,  
Dept. of Public Works  
Erin Leonhart, Facilities and  
Administrative Manager,  
Dept. of Public Works

#### **From the Applicant:**

Neil Fujii, Managing Engineer, King  
County Solid Waste Division  
Steven Murakami, King County  
Solid Waste Division  
Brad Bell, King County Solid  
Waste Division  
Ian Sutton, R. W. Beck, Inc.

#### **From the Public:**

Andrew Held  
Ray Schlien  
Deidre Johnson  
James McElwee  
Colleen Cullen

### **EXHIBITS:**

The following exhibits were offered and entered into the record at the public hearing:

**Hearing Examiner Recommendation**

**File No. ZON07-00039**

**Page 12 of 12**

- A. Department of Planning and Community Development Staff Advisory Report dated February 27, 2008, with 15 attachments
- B. April 18, 2008 email from Terry Trimmingham to Tony Leavitt, Department of Planning and Community Development
- C. April 28, 2008 letter from Kevin E. Kiernan, Solid Waste Division Director, to Houghton Community Council and Kirkland Hearing Examiner, with enclosures
- D. April 28, 2008 letter from South Rose Hill/Bridle Trails Neighborhood Association to City of Kirkland Hearing Examiner and Houghton Community Council and attached letter of February 20, 2007
- E. April 28, 2007 Presentation Materials from Pat and Ray Schlien
- F. May 8, 2008 Memorandum from Tony Leavitt, Associate Planner to Houghton Community Council and Hearing Examiner, with 14 enclosures
- G. Letter of May 11, 2008 from Raymond and Patricia Schlien to Hearing Examiner, Houghton Community Council and Tony Leavitt
- H. May 27, 2008 Letter from Raymond and Patricia Schlien to Hearing Examiner, Houghton Community Council and Tony Leavitt
- I. May 27, 2008 Presentation Materials from Pat and Ray Schlien
- J. May 27, 2008 Recommendation of the Houghton Community Council

**PARTIES OF RECORD**

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

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

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

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

Ian Sutton, R.W. Beck, Inc., 1001 Fourth Avenue, Suite 2500, Seattle, WA 98154

Art Yeoman, 6520 116<sup>th</sup> Avenue NE, Kirkland, WA 98033

Raymond and Patricia Schlien, 12031 NE 67<sup>th</sup> Street, Kirkland, WA 98033

Andrew Held, 5505 127<sup>th</sup> Avenue NE, Kirkland, WA 98033

Deidre Johnson, 7538 125<sup>th</sup> Place NE, Kirkland, WA 98033

James McElwee, 12907 NE 78<sup>th</sup> Place, Kirkland, WA 98033

Colleen Cullen, 12217 NE 82<sup>nd</sup> Street, Kirkland, WA 98033

Margaret Schwender, 6556 116<sup>th</sup> Place NE, Kirkland, WA 98033

Terry Trimmingham, 12626 NE 72<sup>nd</sup> Street, Kirkland, WA 98033

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

Challenge to Hearing Examiner's recommendation  
Process IIB Permit, Houghton Transfer Station Mitigation Project  
PCD File No. ZON07-00039

This Challenge, dated June 10<sup>th</sup>, documents incorrect Facts included in the Hearing Examiner's recommendation. It is also documents conclusions that are not compliant with the KZC.

The proposed project includes substandard street improvements proposed by the applicant. The Hearing Examiner incorrectly justifies these substandard improvements. The project should be approved with full half-street improvements as required by code and by City policy.

Inaccurate statements of Fact included in the recommendation:

from Page 5 of 12, **Development Regulations**

**Facts 1, 2, 3, and 4** are correct as stated. Fact 3 correctly describes the applicable standard for Collector Streets from KZC 110.40.

**Fact 5**, "KZC 110.70.3.a allows the City to grant a modification to the nature or extent of a required improvement if the required improvement would not match existing improvements. KZC 110.70.3.d allows the City to grant a modification if the City and a neighborhood have agreed to a modified standard for a particular street."

- 1) As noted in written and oral testimony before the HE, the proposed modification does not match existing improvements. The improvements adjoining the proposed improvements are full half-street improvements to the West, and gravel path to the East. Asphalt path does not adjoin the asphalt path proposed in this application.

A single block of asphalt path further East is the shortest segment of sidewalk on NE 60<sup>th</sup> Street. There is more full concrete sidewalk and more gravel. *An asphalt path does not match the predominating sidewalk material, nor does it match the adjoining material. It is not justified by 110.70.3.a.*

- 2) 110.70.3.d can not be used to justify this modification. 110.70.3.d **specifically allows modification with neighborhood agreement for Neighborhood Access roads only**. NE 60<sup>th</sup> Street is a collector, and not qualified for modification under 110.70.3.d.
- 3) These are the entire justification provided by the HE for the modification of the City standard for street improvements, and both are invalid.

**Fact 6** states that the neighborhood requested the modification in the MOU negotiations.

- 1) Evidence was presented before the HE that the neighborhood did not request the modification. There was no contrary evidence presented.

Invalid Conclusions included in the recommendation:

from Page 6 of 12, **Development Regulations**

**Conclusion 1** , "...the Code-required improvements would not match existing improvements directly east of the subject property."

- 1) There is NO improvement East of the subject property. The existing gravel path is not a justification for a sub-standard sidewalk installed along the project site. If the County's proposal is permitted, the resulting paths on NE 60<sup>th</sup> Street would be:
  - a. Concrete sidewalk with curb and gutter
  - b. *Asphalt path with extruded curb*
  - c. Gravel path with no curb
  - d. Asphalt path with no curb
  - e. Concrete sidewalk with curb and gutter

Item b. is the County's contribution – clearly *it does not match any adjoining existing improvements*.

The improvements called for by Code and City policy is concrete curb, gutter, landscape strip, and 5' concrete sidewalk. This matches existing conditions both East and West of the project site. While the immediately adjoining properties will not have a sidewalk in the short term, when one is installed, it will be up to City standard. The code-required improvements installed by the County will have a much longer lifespan and we will not be left with a deteriorating inferior improvement when the transfer station closes.

**Conclusion 2** , "... neighboring property owners would now prefer ..."

- 1) The written testimony presented was by unanimous vote of the officers and directors of the South Rose Hill / Bridle Trails Neighborhood Association.

As a matter of policy, the Kirkland City Council has directed staff to be rigorous in requiring half-street improvements. The notice below is included on the City's website (at [http://www.ci.kirkland.wa.us/depart/Public\\_Works/Development/Frontage\\_Improvements.htm](http://www.ci.kirkland.wa.us/depart/Public_Works/Development/Frontage_Improvements.htm)) and is prominently displayed on the Public Works counter in City Hall. (This flyer was presented at the Hearing – its submission now is not an additional exhibit.) **It is a terrible precedent to hold the County to a lesser standard than individual homeowners in the City of Kirkland.**



Flyer displayed on Public Works counter and on C of K website:

## NOTICE TO PERMIT APPLICANT!

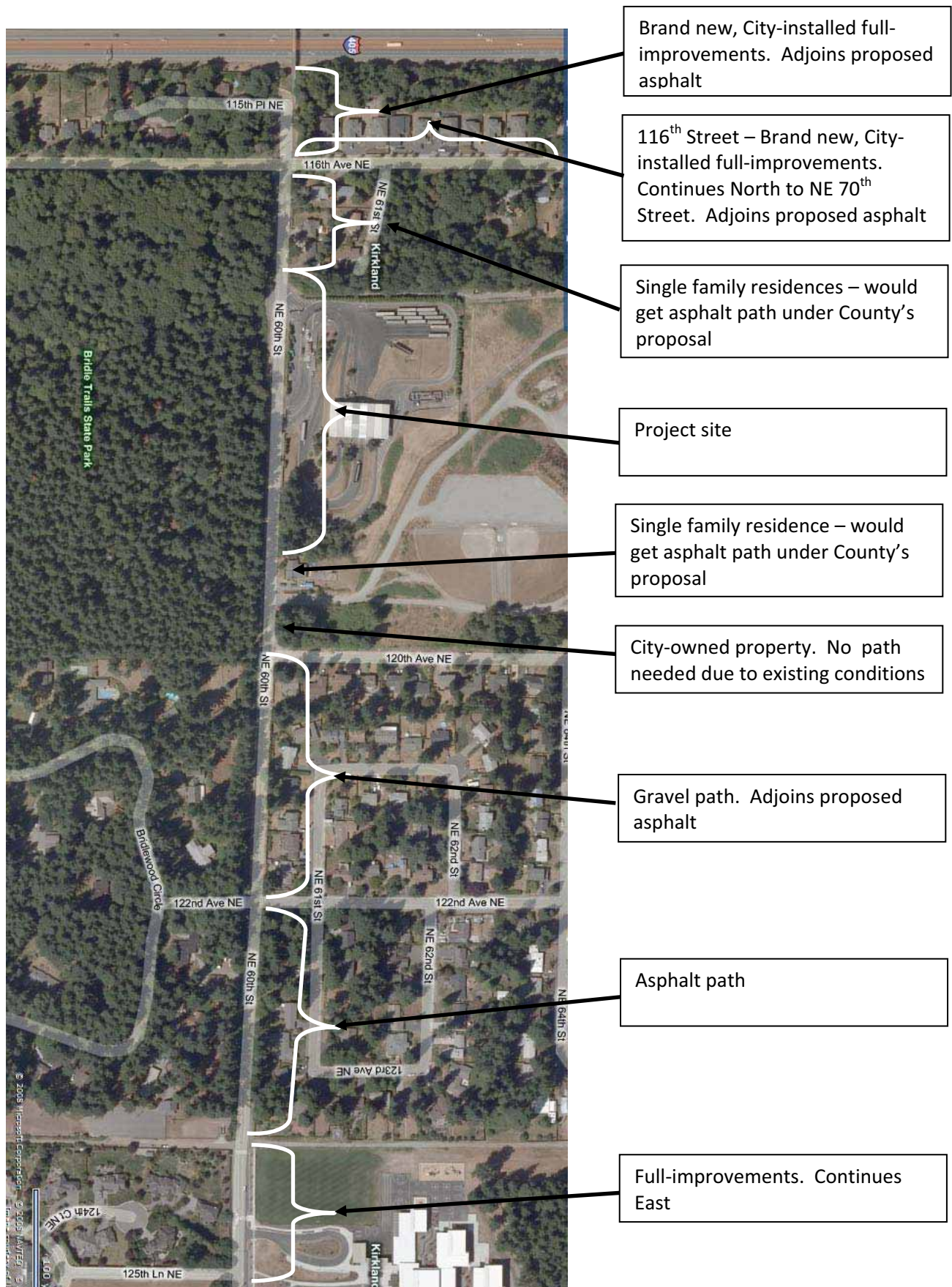
**Beginning January 1, 2006:** Complete Building Permit Applications received for all new single-family building permits, and all single-family remodel/addition permits valued at more than \$200,000, will be required to install frontage improvements along the property frontage.

Frontage improvements include curb, gutter, 4.5' planter strip, street trees planted 30' on center, 5' sidewalk, and asphalt widening.



For more information, please visit the Kirkland Public Works Department at City Hall or call (425) 587-3800.

Vicinity map showing path materials along NE 60<sup>th</sup> Street:





## King County

### Solid Waste Division

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 701

Seattle, WA 98104-3855

**206-296-6542** Fax 206-296-0197

TTY Relay: 711

June 17, 2008

Tony Leavitt  
Kirkland Planning Department  
123 Fifth Avenue  
Kirkland, WA 98033

RE: Response to Challenge to Hearing Examiner Recommendation  
Process II-B Permit, Houghton Transfer Station Mitigation Project  
PCD File No. ZON07-00039

Dear Mr. Leavitt:

On June 10, 2008, Mr. Andrew Held issued a challenge to the Hearing Examiner's (HE) recommendation related to frontage improvements pertaining to the Houghton Transfer Station Mitigation Project.

There are several assertions outlined in Mr. Held's challenge which we wish to address:

#### **Regarding Fact 5:**

Challenge #1: As noted in written and oral testimony before the HE, the proposed modification does not match existing improvements. The improvements adjoining the proposed improvements are full half-street improvements to the West, and gravel path to the East. Asphalt path does not adjoin the asphalt path proposed in this application.

#### Response to Challenge #1:

The Challenge is incorrect. The intent of the pathway design prescribed in the Memorandum of Understanding (MOU) is to maintain the rural feel of the neighborhood as was specifically identified during development of the MOU. Existing conditions are an existing asphalt path to west and asphalt and gravel paths to the east of the Transfer Station's property lines. These existing conditions reflect the rural feel which the proposed asphalt path will match. The proposed asphalt path is also consistent with the rural feel presented by Bridle Trails State Park on the south side of NE 60th Street. Cumulatively the rural (asphalt and gravel) frontage along this neighborhood section is approximately 2,500 to 3,000 linear feet.

Challenge #2: 110.70.3.d cannot be used to justify this modification. 110.70.3.d **specifically allows modification with neighborhood agreement for Neighborhood Access roads only.** NE 60<sup>th</sup> Street is a collector, and not qualified for modification under 110.70.3.d.

Response to Challenge #2:

The Challenge is incorrect. Kirkland Zoning Code (KZC) 110.70.3 is not limited to a particular street type. There is only an additional reference to the Pre-Approved Plans and Policies Notebook regarding Neighborhood Access Streets modification information in KZC 110.70.3.d. The paragraph does not preclude modifications to collector streets.

**Regarding Fact 6:**

Challenge #1: Evidence was presented before the HE that the neighborhood did not request the modification. There was no contrary evidence presented.

Response to Challenge #1:

The Challenge is incorrect. In fact, the neighborhood was represented in the development of the MOU. The rural asphalt pathway was designed as a result of neighborhood preference. The proposed design was based on language in the MOU and preferences stated during the February 6, 2006 on-site meeting with Bridle Trailers/South Rose Hill neighborhood representatives, Jeanette Simecek and Bruce Feuling. The proposed design was then presented at a November 14, 2006 South Rose Hill/Bridle Trailers Neighborhood Association General Meeting as well as a May 22, 2007 Public Meeting at Ben Franklin Elementary School. The proposed design was well-received by the community on both occasions.

**Regarding Conclusions 1 and 2:**

The proposed asphalt path meets the Modifications requirements of KZC 110.70.3. The proposed asphalt path adheres to the requirements of the MOU and reflects the preferences voiced by the neighborhood at the time the MOU and design were developed. The asphalt path matches the existing rural improvements.

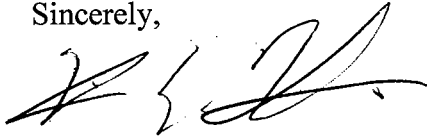
It is our position that our design for an asphalt pathway from 116<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE complies with the Memorandum of Understanding negotiated between the City of Kirkland and King County. Our approved budget to construct this project assumes we will construct the asphalt pathway, and not a full curb-gutter-concrete sidewalk section. Such an improvement will increase our costs over approved budget appropriations and will seriously affect our ability to proceed further with implementation of the improvements at the station.



Tony Leavitt  
June 17, 2008  
Page 3

If you have any further questions, please contact Francis Gaspay, Project Manager, at 206-296-8445.

Sincerely,



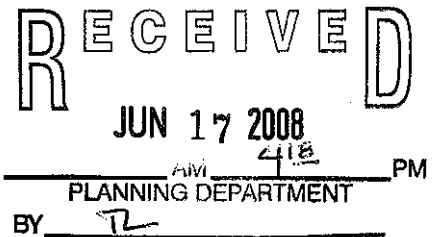
Kevin E. Kiernan, P.E.  
Division Director

KK:FG:er  
FG11/Leavitt – Response to Challenge – Andrew Held – Final 061708

cc: Parties of Record  
Diane Yates, Intergovernmental Relations Liaison, Solid Waste Division (SWD),  
Department of Natural Resources & Parks (DNRP)  
Shirley Jurgensen, Interim Engineering Services Manager, SWD, DNRP  
Neil Fujii, Managing Engineer, SWD, DNRP  
Francis Gaspay, Project Manager, SWD, DNRP



R. H. & P. J. Schlien  
12031 NE 67<sup>th</sup> Street  
Kirkland, WA 98033  
425-822-3293



June 17, 2008

To: Kirkland Planning Department  
Attention: Tony Leavitt  
CC: Parties of Record

Subject: Challenge to Hearing Examiner's recommendations, File No.  
ZON07-00039

The Kirkland Zoning Code (KZC) establishes a standard to which all residents and entities doing business must abide. The standard to which King County Solid Waste Division (KCSWD) should not be less than any resident or other entity would be subject to!

As a matter of fact, since this sidewalk is being offered to Kirkland by KCSWD as a "mitigation" for the horrendous solid waste processing operation within our residential neighborhood the KZC requirement should be exceeded. At a minimum KCSWD should be required to construct a concrete sidewalk and curb the full length between 116<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE.

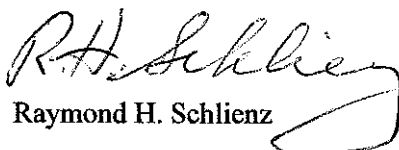
KCSWD continually abuses our residential neighborhood by processing ever increasing tons of disgusting solid waste spewing dust, dirt, particulates, bacteria, viruses, and vile odors. The transfer station attracted approximately 313,000 vehicles to our residential neighborhood in 2006. The KCSWD trucks and trailers in 2005 averaged were 20% over their 17 ton rated capacity contributing to the wear, tear, and excessive deterioration of Kirkland streets and adjoining properties.

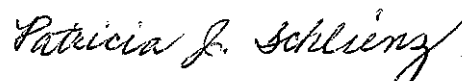
The thesaurus describes mitigation as "alleviation, lessening, easing, and improvement". KCSWD has no intention to alleviate, lessen, or ease the impact on our residential neighborhood despite Kirkland's MOU and the Houghton Community Council's limitations. KCSWD is interested is only in operational improvements under the guise of safety.

KCSWD uses safety improvements to incrementally upgrade the transfer station to increase the tonnage processed and ultimately install a compactor. In 2011 when the King County Council does not have the political will to approve the necessary Solid Waste fee increase the Houghton Transfer Station will become permanent with the dreaded compactor.

KCSWD professes to be a "good Neighbor". In order to live up to this accolade KCWSD should "mitigate" (improve) their neighborhood impact outside the property line by installing a continuous concrete sidewalk and curb complete with planting strips and trees.

Sincerely yours,

  
Raymond H. Schlien

  
Patricia J. Schlien







**CITY OF KIRKLAND**  
**Department of Public Works**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
**www.ci.kirkland.wa.us**

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## MEMORANDUM

**To:** Tony Leavitt, Associate Planner

**From:** Rob Jammerman, Development Engineering Manager

**Date:** June 30, 2008

**Subject:** Houghton Transfer Station Mitigation Project, ZON07-00039  
Public Works Clarifications Regarding NE 60<sup>th</sup> Street Frontage Improvements

The Public Works Department has reviewed the challenge, filed by Andy Held, of the Hearing Examiners recommendations and conclusions related to the required street improvements for the Houghton Transfer Station Mitigation Project and would like to offer the following:

***1. What background information was considered by the Public Works Department before making a recommendation about the required NE 60<sup>th</sup> Street frontage improvements?***

- NE 60<sup>th</sup> Street is classified as a Collector type street between 116<sup>th</sup> Avenue NE and 132<sup>nd</sup> Avenue NE. This section of NE 60<sup>th</sup> Street is approximately 5,300 feet in length and the existing pedestrian improvements along north side of NE 60<sup>th</sup> Street primarily consist of gravel or asphalt paths along the shoulder of the street. The Lake Washington School District installed approximately 530 ft of curb, landscape strip, and sidewalk along the Ben Franklin Elementary school when it was rebuilt several years ago.
- Typically a Collector type street is improved with standard concrete curb and gutter, a landscape strip with street trees, and a 5 ft wide sidewalk (as was the case with Ben Franklin Elementary).
- In planning for the Transfer Station Improvements, King County met with neighborhood representatives from South Rose Hill and Bridle Trials Neighborhood and City staff to develop a Memorandum of Understanding (MOU) which outlined certain Transfer Station mitigation improvements. 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 in-lieu of installing standard curb, gutter, landscape strip and sidewalk. As part of this negotiated mitigation, King County agreed to install an additional off-site asphalt path so the east and west of the Transfer Station frontage so that there would be a complete asphalt pedestrian path from 116<sup>th</sup> Ave. NE to 120<sup>th</sup> Ave. NE. In total, King County agreed to install approximately 1285 feet of modified street improvements, while their actual property frontage approximately 760 feet in length.
- The City agreed with the proposed modification because it was requested by the neighborhood, and because it was similar to the existing improvements along NE 60<sup>th</sup> St. directly east of the Transfer Station property.

**2. What criteria can be used to recommend a modification to the street improvement standards?**

- Chapter 110.70.3 of the Kirkland Zoning Code (KZC) allows the City to require or grant a modification to the nature or extent of any required improvements if certain criteria are met. The actual language from KZC 110.70.3 reads as follows:

Modifications – 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 (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).
- In this particular case, the Public Works Department recommended that a modification could be granted based on the following:
    - ✓ 110.70.3.a - The improvements as required would not match the existing improvements; standard half-street improvements would not match the existing improvements to the East.
    - ✓ 110.70.3.c - Other unusual circumstances preclude the construction of the improvements as required; the Public Works Department believed that the MOU agreement met these criteria as it was negotiated in good faith and agreed to by all involved parties.

As we discussed, I will be unable to attend the July 15<sup>th</sup>, 2008 City Council meeting and would like to have this memorandum included in your report that will be presented to the City Council. Daryl Grigsby, Public Works Director, will be at the Council meeting and can answer any questions that the Council may have about the street improvements.

Cc: Daryl Grigsby, Public Works Director,

RESOLUTION 2008-3

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING RESOLUTION R-4716 ADOPTED BY THE KIRKLAND CITY COUNCIL ON AUGUST, 5, 2008, RELATING TO LAND USE; APPROVING A ZONING PERMIT AS APPLIED FOR BY KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, SOLID WASTE DIVISION IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00039 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received Kirkland City Council Resolution R-4716, approving a zoning permit filed by King County Department of Natural Resources and Parks, Solid Waste Division as Department of Planning and Community Development File No. ZON07-00039 for the Houghton Transfer Station Mitigation Project; and

WHEREAS, the subject matter of Resolution R-4716, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove Resolution R-4716 within 60 days of the date of passage; and

WHEREAS, the subject matter of Resolution R-4716 was reviewed and discussed by the Houghton Community Council at meetings held on April 28, 2008 and May 27, 2008, and at said meetings the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of Resolution R-4716 will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Resolution R-4716 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair, Houghton Community Council

\_\_\_\_\_  
City Clerk



RESOLUTION 2008-3

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL DISAPPROVING KIRKLAND CITY COUNCIL RESOLUTION R-4716 RELATING TO LAND USE; WHICH APPROVED A ZONING PERMIT AS APPLIED FOR BY KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, SOLID WASTE DIVISION IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00039 AND SET FORTH CONDITIONS OF THE APPROVAL, BUT FAILED TO INCLUDE ADDITIONAL CONDITIONS RECOMMENDED BY THE HOUGHTON COMMUNITY COUNCIL.

WHEREAS, the Houghton Community Council has received Kirkland City Council Resolution R- 4716, approving a zoning permit filed by King County Department of Natural Resources and Parks, Solid Waste Division as Department of Planning and Community Development File No. ZON07-00039 for the Houghton Transfer Station Mitigation Project; and

WHEREAS, the subject matter of Resolution R-4716, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove Resolution R-4716 within 60 days of the date of passage; and

WHEREAS, the subject matter of this resolution was reviewed and discussed by the Houghton Community Council at meetings held on April 28, 2008 and May 27, 2008, and at said meetings the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the Houghton Community Council recommended the addition of conditions relating to limiting tonnage and public improvements which were not included by the City Council; and

WHEREAS, inclusion of the recommendations would have served the interests and promoted the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Resolution R-4716 is hereby disapproved and shall not become effective within the area of the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair, Houghton Community Council

\_\_\_\_\_  
City Clerk

