

## Director's Report

### Land Use Code amendments related to solid waste and recycling facilities

#### Proposal

The Department of Planning and Development is proposing to amend the Land Use Code to update standards for solid waste transfer stations, which are defined as a utility use in the Code. Seattle Public Utilities (SPU) has proposed redevelopment of the North Recycling and Disposal Station (NRDS), also known as the North Transfer Station. The proposed Code amendments would accomplish the following:

- Allow a recycling use located on the same development site as a solid waste transfer station to be permitted as an administrative conditional use in a Commercial 2 (C2) or Industrial Buffer (IB) zone, subject to new criteria added in Sections 23.47A.006 and 23.50.014.
- Allow accessory office and crew space as an administrative conditional use in a structure containing a recycling use, but where the office and crew space use is accessory to a solid waste transfer station located on the same development site.
- Allow accessory structures as an administrative conditional use in the IB and C2 zones, including scales, scale houses, entrance/exit kiosks, walls, screening, and other minor improvements. The total area of scale houses will be limited to no more than 1000 square feet
- Allow a solid waste transfer station use to take access across property located in any Industrial zone or in a C2 zone, regardless of whether the solid waste transfer station use is also permitted in the zone across which the access is taken, provided that the access is reviewed as part of the conditional use analysis for the utility.
- Allow parking and driveways in a C2 or Industrial Buffer (IB) zone to be permitted as an administrative conditional use if they are accessory to a solid waste transfer station located on the same development site.
- The Director of DPD will have authority to determine maximum width of driveways and curbcuts providing access to a solid waste management use.
- Require 60 percent of the portion of the development site in the C2 zone to be maintained as open space.

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- Limit the size of trucks allowed to drop off recyclables.
- Allow a solid waste transfer station as an administrative conditional use in an Industrial Buffer (IB) zone, provided that it meets specific and limiting standards added to Section 23.50.014.
- Limit the total floor area of the solid waste transfer station principal structure allowed in an IB zone to 7,000 square feet.
- Rooftop features on both the solid waste transfer station and the recycling use principal structures will not be allowed to exceed the maximum height limit of the zone.
- Require a 65-foot setback between any façade of the solid waste transfer station or the recycling use principal structures and any lot line that abuts or is across a street from a residentially zoned lot.
- Require a 65-foot setback between any surface parking and a lot line that abuts or is across a street from a commercially zoned lot.
- Require a landscaped area 20 feet deep between any surface parking or principal structure in an IB zone and the nearest street lot line.
- Prohibit outdoor storage and outdoor transfer, handling, and compacting of materials.
- Prohibit surface parking across a street from a residentially zoned lot.
- Update the definition of “recycling” in Section 23.84A.040 to recognize that a recycling use may include collection of recyclable materials accessory to solid waste management and other uses.

### Background

Seattle Public Utilities (SPU) has proposed redevelopment of the North Recycling and Disposal Station (NRDS), also known as the North Transfer Station. The project has been under development for several years, with State Environmental Policy Act (SEPA) review of the proposal beginning in 2008.

The project site consists of four properties:

1. The west property includes the existing 4.27-acre NRDS located at 1350 North 34th Street.

2. The second property, to the east of the existing NRDS site, is a 0.94-acre property, located at 1550 North 34th Street (the 1550 building site), which is the site of a currently vacant industrial building.
3. The third property is the city right of way (Carr Place North) between the existing station and the property to the east, which is proposed to be vacated.
4. The fourth property is located to the northeast of the existing station and is a 0.31-acre parking lot at the northwest corner of the North 35th Street and Woodlawn Avenue North intersection.

The redeveloped NRDS is expected to be constructed in three stages: demolition, site preparation, and building construction. The project is expected to last 20 to 28 months. During that period, transfer operations would shift to the South Recycling and Disposal Station (SRDS). Construction staging would occur on the NRDS project site.

The property straddles three zones. Most of the 1350 North 34<sup>th</sup> Street site is zoned Industrial Commercial (IC). The northeast portion of the site, approximately 30,600 square feet, is zoned Industrial Buffer (IB). The property to the east, across the existing Carr Place North right-of-way, is zoned Commercial 2 (C2). The NRDS is classified as a solid waste transfer station, a type of solid waste management use that is also more broadly classified as a utility use in the current Land Use Code. Under those provisions, a solid waste transfer station is permitted as an administrative conditional use in an IC zone, but the use is prohibited in both IB zones and C2 zones. A recycling use, which is a separate type of utility use from a solid waste transfer station, is permitted in all three zones but, in the Code definition of "recycling" found in Section 23.84A.040, any "collection of recyclable materials accessory to another use or any use which is defined as a solid waste management use" is excepted from the definition of "recycling."

The existing NRDS building is located primarily within the IC-zoned portion of the property, but approximately one quarter of the structure is in the IB-zoned portion. The redevelopment, with the proposed vacation of Carr Place North, would add the 1550 building site to the existing NRDS campus. SPU has developed a number of different concept designs for a new transfer station facility, but all of them involve redeveloping the site with a new building that extends into the IB zone. The preferred plan is known as "Concept C" and includes a new 57,475-square-foot transfer station building located primarily in the IC zone, but with a footprint of about 6,225 square feet in the IB zone, as well. (Concept C is current as of June 29, 2011.)

A separate new building, with a total area of about 10,500 square feet, is proposed for the 1550 building site, to house a recycling facility. Access to the main building, as well as retaining walls, parking, and entry/exit kiosks and scale houses, would also be located in the IB and C2 zones. These accessory uses, including access, are permitted or prohibited on the same basis as the principal use solid waste transfer station or recycling uses. Access, in particular, may not be taken through one zone to reach a principal use in another zone, if that principal use is prohibited in the zone through which access is proposed to be taken. Therefore, Code amendments are proposed to allow limited extension of the new main structure into the IB zone, as well as development of accessory uses and structures, access, and a separate recycling facility.

## Analysis

The proposed Code amendments would apply to a limited number of properties and have limited effect. They will likely be used only by the NRDS project. It is unlikely that any other facility would be developed based on the proposed requirements, and if it were it would likely be a private facility rather than a City facility. Even if other developments were proposed, the amendments require conditional use review of a proposal, and it is further likely that any proposal would trigger environmental (SEPA) review, as is true of the NRDS project.

The NRDS proposal has undergone extensive review prior to the current proposed legislation. Environmental review of the project proposal was conducted in 2008 and a SEPA Determination of Non-significance (DNS) was issued April 17, 2008. The DNS was affirmed by the City's Office of Hearing Examiner on October 20, 2008 (W-08-005), and the Hearing Examiner's decision was upheld by the Washington State Court of Appeals on March 7, 2011. The litigation was settled on September 20, 2011.

A portion of the proposed new NRDS main building would be allowed in the portion of the property that is zoned Industrial Buffer, or IB. A review of the applicable standards for IB zones shows that many industrial uses and structures of considerable intensity are allowed already in an IB zone, according to the use chart in Section 23.50.012 of the Land Use Code. While solid waste management uses are currently prohibited in IB zones, only a few other uses are prohibited in IB zones but allowed in IC zones (for example, airports, heliports, power plants, and sewage treatment plants). Light and general manufacturing uses are permitted in both zones. Heavy manufacturing is permitted as an administrative conditional use in IB zones but prohibited in IC zones (except for certain limited manufacturing allowed as a conditional use). Thus, for example, an airplane manufacturing plant could be allowed as a conditional use in the IB zone, while even a small extension of a solid waste transfer station is currently not allowed. The Code would also allow "conversion of solid waste into useful products" as a heavy manufacturing use in the IB zone, yet collection of the waste there "for transfer to another location for disposal" is not currently allowed.

While Section 23.34.094 states that IB zones are transition areas to protect less intensive zones from potential negative impacts, allowing a solid waste transfer station to extend into the IB zone, subject to suitable standards to minimize impacts from its operation, is consistent with Section 23.34.094. In particular, a minimum 65-foot setback would be required from the façade of both the solid waste transfer station structure and the recycling structure to the nearest lot line of the NRDS site that abuts or is across a street from a residentially zoned lot. The setback will ensure that the intended purpose of the IB zone as a transition to less intensive residential zoning is maintained and will also minimize any impact of the proposed redevelopment in the C2 zone on less intensive residential zoning.

Accessory walls, scale houses, entrance and exit kiosks, parking, and access are all standard accessory uses that would be expected with any relatively large scale industrial or commercial use, including the types of uses already permitted in the IB zone. While consistent with the uses allowed in the IB zone, the accessory uses are also subject to the conditional use review for the new NRDS facility.

The recycling building proposed in the C2 zone, on the 1550 building site east of the main NRDS campus, requires some clarification in the Code as proposed in the legislation. It is important to note that a recycling use, as a use independent of a solid waste management use, is currently allowed outright under the existing standards of the Land Use Code, as set forth in Section 23.47A.004. The proposed changes to the Code would clarify that the recycling use could be allowed even if the collection of recyclable materials is accessory to another use, including a solid waste management use such as the NRDS. It does not make sense to preclude the use merely because it is operated by SPU, for example, when the same use could be conducted on the 1550 site by an independent contractor.

Access to the NRDS facility is also proposed through portions of the site that are located in the IB zone and the C2 zone. Since the current Code, in Section 23.42.030, does not allow access through one zone to reach a use in another zone that is not permitted in the zone through which access is proposed, a further proposed amendment to 23.42.030 would allow conditional use review of access to a solid waste transfer station use that is not allowed in the zone through which access is proposed but is allowed in the zone in which the utility use is to be located. Due to the limited potential for location of solid waste transfer station uses, it is likely that this proposed amendment will only apply to the NRDS facility but, even if it were to apply to other sites, a conditional use review would ensure public notice and appeal opportunities.

### Recommendation

The proposed Code amendments clarify inconsistent Code provisions and will facilitate review of the specific proposal for redevelopment that is proposed by SPU, and provide for appropriate conditioning of such projects through the conditional use and environmental review processes. DPD recommends approval of the legislation.