



Legislation Details (With Text)

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Final Action: 12/27/2021 **Ord. No.** Ord 126518

Title: AN ORDINANCE relating to land use review decision procedures; amending Section 23.51A.002 of the Seattle Municipal Code to authorize the Director of the Seattle Department of Construction and Inspections to administratively waive development standards for minor expansions of sewage treatment plants subject to a Department of Ecology corrective order and finding an emergency under Seattle Municipal Code Section 25.05.880.

Sponsors: Dan Strauss

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Presentation (12/3/21), 4. Signed Ordinance 126518, 5. Affidavit of Publication

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------------------------|---------------------------------|--------|
| 12/27/2021 | 1 | City Clerk | attested by City Clerk | |
| 12/27/2021 | 1 | Mayor | returned | |
| 12/27/2021 | 1 | Mayor | Signed | |
| 12/17/2021 | 1 | City Clerk | submitted for Mayor's signature | |
| 12/13/2021 | 1 | City Council | passed | Pass |
| 12/8/2021 | 1 | Land Use and Neighborhoods Committee | pass | Pass |
| 12/3/2021 | 1 | Land Use and Neighborhoods Committee | discussed | |
| 11/8/2021 | 1 | City Council | referred | |
| 11/2/2021 | 1 | Council President's Office | sent for review | |
| 10/26/2021 | 1 | City Clerk | sent for review | |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use review decision procedures; amending Section 23.51A.002 of the Seattle Municipal Code to authorize the Director of the Seattle Department of Construction and Inspections to administratively waive development standards for minor expansions of sewage treatment plants subject to a Department of Ecology corrective order and finding an emergency under Seattle Municipal Code Section 25.05.880.

WHEREAS, the West Point Treatment Plant operated by the King County Department of Natural Resources

and Parks provides wastewater treatment for residents and businesses in Seattle, including Seattle's combined stormwater/wastewater sewer system; and

WHEREAS, the West Point Treatment Plant provides secondary treatment of approximately 90 million gallons a day (mgd) of wastewater during the dry months, treats wastewater flows up to 300 mgd during the rain/storm season, and provides primary treatment and disinfection for flows above 300 mgd up to 440 mgd; and

WHEREAS, King County originally designed the electric service for the West Point Treatment Plant based on a single, non-dedicated 26.4 kV feeder line, and the City Light Department ("City Light") accordingly planned and built the service to King County's original specifications; and

WHEREAS, since the original connection to City Light's distribution system, King County has made and City Light has accommodated requests for upgrades to the West Point Treatment Plant's electric service: by creating a dedicated underground 26.4 kV feeder, as well as a second non-dedicated backup 26.4 kV feeder; and

WHEREAS, there has been an increase in bypass events at the West Point Treatment Plant related to electrical events within the West Point Treatment Plant and on the grid, such as voltage sags, which are momentary reductions in power quality, primarily related to storms and other acts beyond the control of City Light; and

WHEREAS, it remains imperative that the West Point Treatment Plant make immediate improvements to its electric facilities, as the largest treatment plant in Washington State based on wastewater volumes treated, to continue to reliably treat higher wastewater flows from a growing population and increased stormwater volumes, and to comply with regulatory obligations and prepare for climate change; and

WHEREAS, King County and City Light jointly hired a consultant in 2019 to conduct an independent power quality assessment of West Point Treatment Plant, and the assessment was completed on May 28, 2020; and

WHEREAS, the May 28, 2020, power quality assessment made nine recommendations to mitigate “voltage sags,” and these recommendations have been implemented or are underway; and

WHEREAS, the Washington State Department of Ecology issued Administrative Order 19477 to King County on February 2, 2021, regarding unauthorized bypasses of the secondary treatment system, where effluent that has received some treatment is blended with fully treated effluent and then disinfected before discharge, at the West Point Treatment Plant between January 1, 2018, and June 30, 2020; and

WHEREAS, Administrative Order 19477 noted that six of the unanticipated, unauthorized bypasses of the secondary treatment system between January 1, 2018, and June 30, 2020, were related to the West Point Treatment Plant’s main electrical power system. Event descriptions indicate that there was a mix of power quality issues associated with City Light system disturbances beyond City Light’s control.

WHEREAS, City Light has multiple projects underway that will help King County achieve improvements to its power supply to the West Point Treatment Plant, including pole replacements to mitigate voltage sags by reducing the number of potential faults caused by pole failures along the Canal Substation feeders, and accelerated cable testing in order to assess underground cable segments and assemblies that feed the plant; and

WHEREAS, Administrative Order 19477 requires King County to complete four corrective actions that include producing two reports by September 30, 2021, developing a strategic master plan for the West Point Treatment Plant’s electrical system by December 31, 2021, and implementing the corrective actions in the plan by December 31, 2025; and

WHEREAS, the West Point Treatment Plant includes a cogeneration system that could be modified to enable greater resiliency to power disruptions, allowing the plant to withstand voltage sags that can otherwise shut down critical equipment; and

WHEREAS, the addition of a battery-based Uninterruptable Power Supply (“UPS”) system at the West Point Treatment Plant in addition to, or in place of, a modification to the cogeneration system may

significantly improve the West Point Treatment Plant's power reliability in the near term; and
WHEREAS, the land use control ordinances and processes governing the construction of buildings needed to house the equipment-specific UPS systems are time-consuming and subject to procedures that would result in extensive and unanticipated delay in compliance with the corrective actions in the plan by December 31, 2025, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.51A.002 Public facilities in ~~((single family))~~ single-family zones

* * *

C. Expansion of ~~((Uses in Public Facilities-))~~ uses in public facilities

1. Major Expansion. Major expansions may be permitted ~~((to))~~ for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B ~~((above))~~ according to the same provisions and procedural requirements as described in these subsections. Except as provided in subsection 23.51A.002.C.2.a, ~~((A))~~ a major expansion of a public facility use occurs when the proposed expansion would not meet development standards or would exceed either 750 square feet or 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted ~~((to))~~ for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B ~~((above))~~ according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met ~~((-))~~ or as follows:

a. For existing sewage treatment plants for which there is a current Department of Ecology order requiring corrective action and the expansion falls below the major expansion threshold level, as

a Type I Master Use Permit, the Director may waive or modify applicable development standards; provided, that:

1) The expansion area is at least 50 feet from the nearest lot line;

2) The waiver or modification of physical development standards is the least necessary to achieve the applicant's proposed solution; and

3) The applicant submits a construction management plan, which is approved by the Director.

b. An application vested according to the provisions of Section 23.76.026 may elect to apply subsection 23.51A.002.C.2.a to their project according to the provisions of subsection 23.76.026.G.

D. Sewage treatment plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections 23.51A.002.D.3 and 23.51A.002.D.4 are met.

1. Applicable procedures. Except as provided in subsection 23.51A.002.C.2.a, ((The)) the decision on an application for the expansion or reconfiguration of a sewage treatment plant is a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection 23.51A.002.D.2, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

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

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

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one site in a single-family zone.

c. Application for an early determination of feasibility shall include:

1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

3) Information on the overall sewage treatment system that outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

4) Schematic plans outlining dimensions, elevations, locations on site, and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible alternative location determination under Section 23.60A.066, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

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

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

c. A facility management and transportation plan is required. The level and kind of detail

to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood. ((§))

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

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

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

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there. ((§))

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

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

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment

of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination. Substantial conformance shall include, but not be limited to, a determination that:

- a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.
- b. Conditions included in the feasibility determination are met.

* * *

Section 2. The Council finds that an exemption from conducting State Environmental Policy Act (SEPA) review is necessary under Seattle Municipal Code Section 25.05.880 for this ordinance, and review by the City of any application by the King County Department of Natural Resources and Parks made under the authority of this ordinance, in order to expedite corrective action under Department of Ecology Order 19477 and to limit future unanticipated and unauthorized sewage bypass events.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)