

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

THE MUNICIPALITY OF METROPOLITAN
SEATTLE (METRO)

Application No. 8904529
C.F. No. 297445

for Council Condition Use approval
to construct a wastewater pump
station and provide stormweather
facilities in a single-family zone

Introduction

Metro has applied to the City of Seattle for a Council Conditional Use approval to construct a wastewater pump station at its Carkeek treatment plant and to convert the existing Carkeek primary treatment plant into a stormweather facility. The Department of Construction and Land Use (DCLU) recommended that the application be granted, subject to conditions.

This matter came on for public hearing before the Hearing Examiner on July 26, 1990.

Parties present and represented at the hearing were: DCLU by John Doan, land use specialist; and Metro by Thomas Eli Backer and Perry Weinberg, Law Offices of Preston Thorgrimson Shidler Gates & Ellis.

Testimony from DCLU, Metro, and members of the public was received. The record remained open for public comment letters and final submittals by the parties until August 2, 1990.

For purposes of the recommendation, all code references are to the Seattle Municipal Code, Title 23, unless otherwise specified.

After due consideration of the evidence of record (including the parties' respective presentations, the DCLU report, and all testimony, evidence and submittals), the Hearing Examiner enters the following findings, conclusions and recommendation on this application.

Findings of fact

1. The Carkeek treatment plant is located on a 2.7 acre site at 1201 N.W. Carkeek Park Road and is surrounded by the City of Seattle's Carkeek Park. The Carkeek plant and the park are located in an area zoned single-family residential (SF 9600).

2. The Carkeek treatment plant was originally developed by the Greenwood Sewer District pursuant to a 1949 condemnation. The plant was acquired by Metro, remodeled, and expanded in 1962.

3. Existing plant facilities include headworks, primary sedimentation

tanks, chlorine contact tank, two sludge digesters, an operations/administration building, digester control building, a small storage building, paved parking and driveway areas. The plant site is relatively flat and developed with treatment facilities except for grassy northeastern corner, which is the location for the proposed pump station.

4. The Carkeek plant currently provides primary sewage treatment for wastewater collected in the Carkeek service area. The Carkeek service area rises sharply from Puget Sound to elevations exceeding 400 feet and is composed of seven drainage basins. Four drainage basins currently flow by gravity directly to the Carkeek treatment plant. Three drainage basins flow by gravity to the North Beach pump station and are pumped from there to the Carkeek plant.

5. The Carkeek plant was constructed at a low elevation level in the Carkeek service area in order to allow most of the sewage to flow naturally, by gravity, to the plant.

6. The existing Carkeek plant is designed to provide primary treatment to an average of 3.5 million gallons per day (mgd) of wet weather flows and a peak flow of 20 mgd. Effluent from the plant is discharged to Puget Sound via a 33" diameter outfall that extends 2,100 feet offshore. The plant serves approximately 26,000 (predominately residential) customers.

7. The Washington Department of Ecology (Ecology) has ordered Metro to provide secondary treatment to base, non-storm flows in the entire Metro service area. Ecology has also directed Metro to manage storm influenced flows in excess of base flows in a manner consistent with Ecology requirements for reducing overflows to combined stormwater and sanitary sewage (combined sewage overflows (CSOs)).

8. The existing Carkeek plant site is not large enough to contain a secondary wastewater treatment facility and meet CSO requirements, without encroaching into Carkeek Park.

9. To meet Ecology's regulatory requirements for the Carkeek service area, Metro proposed to provide secondary treatment by constructing a conveyance system to transfer 8.4 mgd of base wastewater flows overland through a pipeline to Metro's West Point treatment plant for secondary treatment, and to convert the existing Carkeek plant to operate intermittently as a stormweather treatment facility that will treat storm-influenced flows in excess of the base flow. This proposal is part of Metro's amended Comprehensive Water Pollution Abatement Plan, which Ecology approved in 1986.

10. As part of the facility planning and environmental review process for the Carkeek facilities, Metro considered intercepting wastewater flows before they entered trunk lines in the area of Carkeek Park and flowed down to the existing treatment facility. That approach proved to be unworkable from an engineering and economic standpoint. Even if substantial wastewater flows could have been intercepted before flowing down to the Carkeek facility, a pump station and/or storage facility would have been required at Carkeek to transfer the remaining flows from the Carkeek service area to West Point for secondary treatment.

11. The conveyance system necessary for transferring Carkeek flows to the West Point treatment plant consists of an 8.4 mgd pump station located on the northeasternly portion of the Carkeek plant site, a 24" force main running up the Pipers Creek ravine the pump station to the elevation of Northwest 90th Street on Eighth Avenue, and a 24" to 30" gravity sewer located within the Eighth Avenue right of way. Several elements of the conveyance system that were discussed in Metro's original application for Council Conditional Use approval (a second pump station at Holman Road and a pipeline crossing at the ship canal) have been eliminated as a part of the design optimization process.

Carkeek Pump Station:

12. The Carkeek pump station will contain raw sewage pumping units, an influent mechanical bar screen, an odor control system, a standby power generator, electrical power distribution and controls, and other ancillary systems. It will also contain a liquid hypochlorite storage and feed system, which will replace the existing gaseous chlorine system.

13. The Carkeek pump station will have a footprint area of 4,670 square feet (total floor area will be about 6,700 square feet). One story will be above grade and one below. The pump station will be approximately 21 feet in height above grade and will be set back no less than 26 feet from existing property lines.

14. Construction of the pump station will require excavation of about 2,750 cubic yards of soil. Imported fill materials and pilings may be required to provide suitable foundation support.

15. The pump station will be acoustically treated to reduce noise impacts. Noise impacts associated with the operation of the pump station will be minor (i.e., 2 L (eg) dBA increase at the perimeter of the site).

16. The Carkeek pump station will operate continuously 365 days a year.

Carkeek Stormweather Facility:

17. During large storms when the capacity of the pump station is exceeded, wastewater will overflow into the Carkeek stormweather facility. Depending on the size and duration of the storm, excess flows will either be stored and then pumped to West Point, or will receive primary treatment and disinfection on-site before being discharged through the existing outfall.

18. Most of the existing Carkeek facilities will be retained and used for primary treatment as necessary during storm events. Other facilities (headworks, block masonry building adjacent to headworks, polymer feed equipment building, and miscellaneous small structures) will be demolished. Existing chemical storage tanks and feed pumps will be removed and replaced.

19. The existing digesters on site will be retained and used for storage of peak flows during storm events. Retention and use of the digesters for storage is necessary to meet Ecology regulations for secondary treatment and CSO control, and to meet the requirements of the Carkeek NPDES permit.

20. Conversion of the existing treatment plant into a stormweather

facility minimizes new construction at Carkeek, allows for a smaller sedimentation area.

21. On average, the Carkeek stormweather facility will operate 20 times per year and will discharge treated effluent, via the existing outfall, 8 times per year.

22. The existing outfall will be repaired and maintained as part of this proposal. The interior of the outfall will be cleaned and the check valve/backflow device will be replaced.

23. No solids processing or handling will be conducted at the Carkeek stormweather facility. Solids collected during the periodic operation of the facility will be pumped to West Point for digestion and handling. This remote sludge processing will eliminate sludge truck traffic to and from the Carkeek facility.

24. Converting the Carkeek plant to a stormweather facility will reduce the potential for odor impacts at the facility and along the Piper's Creek trail, because the facility will be operated only during storm events, will include new odor control equipment, and will no longer include sludge processing and handling facilities.

25. When the stormweather facility is being operated, at least two staff will be present until the need for operation ceases and all plant units are drained and cleaned. Maintenance personnel will visit the facility several times per week but no staff will be assigned to the plant on a regular basis.

26. Except for relocating one space, parking at the facility will remain unchanged (5 spaces).

Conveyance Elements:

27. In conjunction with installing a force main in the Piper's Creek ravine, Metro will make substantial improvements to the existing wastewater collection system in that area. Metro will: replace existing sections of the collection system where wastewater flows are restricted or add new pipelines that will run parallel to the areas of restricted flow; seal key manholes that presently emit sewer gases; vent the remaining manholes away from the Piper's Creek trail and park users; install a system for ventilating the crown of the collection system and drawing odors down to the pump station; and, treat collected odors at the pump station with a carbon scrubber odor control system. Together, these improvements should substantially reduce odor impacts on park users.

Construction Impacts:

28. Construction of the pump station, stormweather facilities, and conveyance elements is estimated to take 720 working days. Vehicle trips generated are estimated at 3,600. Impacts to traffic caused by construction activity will be temporary, and controllable.

29. Maximum noise levels resulting from construction activities are expected to be about 69-73 L(eg) dBA, as measured at the major public use

areas of Carkeek Park. The increase in noise levels at the closest residences will generally be 2 L(eg) dBA or less.

30. The construction work that will be done by Metro, particularly the construction of the force main up the Pipers Creek ravine, will cause significant impacts to the stream.

31. Metro's work in and around Pipers Creek will require hydraulics approval from the State Department of Fisheries.

32. Pipers Creek is currently developed with a number of check dams. Where it runs alongside the treatment plant itself, it is diverted into an underground culvert. After it passes the treatment plant, the stream returns to the surface and ultimately passes through culverts under the railroad embankment and into the Puget Sound.

33. Significant efforts have been made by citizens and some governmental entities to rehabilitate Pipers Creek and to restore its salmon runs. Among the most active groups in this regard is the Carkeek Watershed Community Action Project (CWCAP).

Odors

34. There are two principal sources of odors associates with the plant. One is the plant itself, the other is from manholes along the Pipers Creek trail. Metro's current odor control standard is to allow up to eight odor units at the nearest permanent residence.

35. Because the plant would, under this proposal, operate only intermittently and would no longer have on-site sludge processing, odor impacts should be reduced, even if no other changes were made. Metro does, however, plan to modify the pipeline conveyance system through the ravine to alleviate the odors associated with the manholes. It also plans to include odor control equipment on the pump house.

Site Improvements

36. Extensive architectural treatment, landscaping, noise control, and odor control are incorporated into the pump station and stormweather facility design. The pump station will be reinforced concrete construction with brick facing in an arched pattern. The Seattle Design Commission has reviewed and endorsed the pump station design. Existing treatment plant structures will be repainted in a natural earth tone appropriate for a park setting. The entire site will be completely landscaped and restored following construction.

37. Additional site improvements include a new brick screening wall and a mesh or metal picket fence designed to enhance the appearance of existing facilities. The screening wall will block views into the open tanks. The fence will be set back from the plant boundary to allow landscaping in the foreground.

Project Mitigation Included in Metro's Proposal

38. Metro has worked with the Seattle Parks Department, the Seattle

Engineering Department, and the public to develop measures that will mitigate the impacts of constructing and operating the Carkeek facilities. Mitigation measures are reflected in the contract documents for the Carkeek project. These measures included, among other things: site-sensitive design and architectural treatment of the pump station (including brickwork, screening, and complete landscaping); improvements to and renovation of existing structures; and complete post-construction restoration of the Piper's Creek ravine, including stabilization of eroding creek banks.

Additional Enhancements

39. In addition to these mitigation measures, Metro has agreed to provide enhancements that are not directly related to the impacts of constructing the Carkeek facilities. Metro will: remove Piper's Creek from culverts along the south side of Carkeek facility and restore the stream to an open channel that allows for fish passage upstream; eliminate the drop in Venema Creek caused by an existing culvert in order to allow fish passage upstream; restore and improve the Piper's Creek trail, reroute the trail around the east side of the Carkeek facilities, improve the south trail entrance, and resurface the existing Viewlands trail; construct a partial Salmon-to-Sound trail along Venema Creek and build an interpretive landing area along Piper's Creek at the treatment facility; and clean silt and debris from Piper's Creek before and after construction of the Carkeek facilities. Prior to beginning excavations for the Carkeek pump station, Metro has also agreed to: make certain improvements to the parking areas located along the Carkeek meadow (as directed by the Parks Department); underground the existing overhead power lines along a portion of the Carkeek Park Road; and build a pathway along that road to improve pedestrian access and safety for members of the public traveling to the park on foot.

Permit Process

40. Metro published draft (February 1989) and final (May 1989) SEPA Supplemental Environmental Impact Statements, and a NEPA Environmental Assessment (August 1989) and Addendum (June 1990) on the Carkeek Transfer/CSO Facilities Project.

41. Metro made application for this conditional use approval on July 27, 1989. The DCLU report on the application was signed on May 17, 1990. That report contained 14 recommended conditions.

42. Testimony at the public hearing reflected a number of concerns, particularly regarding the effect of the new pipeline on Pipers Creek and on the trail through the ravine.

43. Nancy Malmgren of the Carkeek Watershed Community Action Project testified and submitted specific recommendations regarding the conditions that should be placed on the project.

44. In relation to DCLU's proposed conditions 2 and 7, both of which relate to Pipers Creek, Ms. Malmgren argued for the addition of the following components.

- a) A stream and habitat study before and 2 years after construction,

the study to include such items as a fish population survey, stream hydrology, and a survey of streamside vegetation.

- b) Removal of silt behind the check dams prior to and after construction.
- c) Revegetation of the streamside following construction to provide optimum stream habitat.
- d) Daylighting of Pipers Creek.
- e) Modification of the channelization of Venema and Pipers Creek by use of multiple in stream structures.
- f) Rectify fish passage problems at the railroad culverts.
- g) A 5-year monitoring program of habitat quality.
- h) Posting of a performance bond

45. In reference to other aspects of the DCLU report and conditioning, Ms. Malmgren expressed concerns about odor control, the route to be used by construction trucks, and the location of parking of construction vehicles.

46. At the hearing, Metro submitted a list of suggested revisions (Exhibit 17) to the DCLU conditions referred to in Finding No. 41. DCLU requested, and was granted, the opportunity to respond both to the revisions proposed by Metro and to those proposed by Ms. Malmgren. Metro requested the opportunity to prepare a written response to Ms. Malmgren's proposals, and that request also was granted.

Statutory References

47. Section 23.84.040 defines "utility service use" as:

A utility use which provides the system for transferring or delivering power, water, sewage, stormwater runoff, or other similar substances. Equipment for transmitting information, such as television transmission towers, shall be considered communication utilities rather than utility service uses. Examples include electric substations, pumping stations, and trolley transformers.

48. Seattle Municipal Code Section 23.44.036 allows for the establishment or expansion of certain public uses, including "utility services uses," in single-family zones where

the proponent of any such use...demonstrate[s] the existence of a public necessity for location or expansion of the use in a single-family zone.

Section 23.44.036(A).

Conclusions

1. The wastewater pump station and stormweather facility Metro proposes to construct at Carkeek are "utility service uses," as defined at 23.84.040.

2. Metro has demonstrated the public necessity of locating this facility in the single-family zone at Carkeek. The pumping station will play a crucial role in transporting sewage, which now receives only primary treatment before discharge into the sound, to West Point, for primary and secondary treatment.

3. The proposed wastewater pump station and stormwater facility, constitute a public project in a single-family zone and, pursuant to the terms of 23.44.036, are subject to the development standards set out in Section 23.44.022.

4. As noted in the Findings, the DCLU report included 14 conditions Metro generally concurred with those conditions, but again, as noted above, suggested some changes. Except as noted below, DCLU indicated that it accepted the changes proposed by Metro. In addition, there were the changes proposed by Ms. Malmgren, which are also discussed below.

5. In reference to recommended condition 2, DCLU originally recommended that the culverts at the railroad embankment and the check dams should be regularly cleaned of silt and debris prior to, during, and following construction. Metro suggested changing this condition to delete references to the culverts under the railroad embankment and to require cleaning of the check dams only before and after construction. Because the railroad culverts could be substantially impacted by siltation from upstream erosion resulting from construction, the Examiner believes that deletion of the reference to the culverts would be inappropriate. Regular cleaning of the culverts and check dams during construction may not be necessary, but inspection and cleaning may be required after a major storm or other extraordinary event.

6. As regards Ms. Malmgren's suggested changes to Condition 2 (see Finding No. 44) the Examiner concludes as follows:

- a) A study of the fish habitat is an excellent idea, but is unnecessary for determining the impacts of this project relative to the conditional use approval. Metro will be required to get a hydraulics permit from the Department of Fisheries, and the need for such information is best left to that agency.
- b) The DCLU proposed conditions already adequately address the cleaning of the check dams. As to changes to the check dams, the Examiner does not believe it would be appropriate to require those changes as part of this proceeding. The "adjustment" or reconfiguration of the check dams could create substantial additional impacts on the creek, its flow patterns, and stream hydrology. altering the check dams and the stream bed would likely require additional environmental review and a hydraulics approval from the state Department of Fisheries. Because such a reconfiguration would create, rather than

mitigate impacts of the Metro project, the Examiner does not believe that such a reconfiguration should be required.

- c. The DCLU conditions included provisions regarding revegetation and stream restoration. However, recognizing the extensive interest of the community in this aspect of the project, provision should be made to assure its participation. This is reflected by adding a new condition, No. 15.
- d. The daylighting of Pipers Creek was addressed by DCLU's recommended condition No. 7. The design of that project will require Fisheries approval through condition No. 7, subject to Parks Department review. However, the condition should be amended to specifically require that the project not interfere with CWCAP's "left turn" project.
- e. The use of instream structures (such as large rocks and fallen trees) to facilitate fish passage and reduce stream velocity is included in the stream restoration already required of Metro. In other areas of the stream where Metro is not planning restoration work, the Parks Department will be able to facilitate placement of these structures independently. It is not necessary to require Metro to do this other work.
- f. The railroad culverts are addressed in conclusion No. 5. Removal of debris should aid the passage of fish.
- g. Any long-term monitoring program for fish habitat should be coordinated through Fisheries and, if necessary, required as part of the State Hydraulics Permit review.
- h. A performance bond need not be imposed on Metro through the Conditional Use process. The Parks Department will assess the need for a performance bond in conjunction with the construction easement over its property. If deemed necessary, Metro will have to post a bond in the amount determined necessary by Parks, to cover the cost of repairing construction or landscaping damage.

7. DCLU's recommended condition #3 addresses parking and traffic while there was testimony at the hearing in favor of modifying the condition to require that loaded trucks enter the site through N.E. 117th Street instead of the south park road, the Examiner, after reviewing the evidence and driving both roads, refuses to make that change. Northeast 117th Street is a residential street, and passage of construction equipment through such streets is generally discouraged.

8. As noted in the findings, the conversion of the Carkeek Park facility from a full-time primary treatment plant to a stormweather facility will greatly reduce the number of days the plant will operate, and thus

substantially decrease its odor impacts. However, Metro also intends to install odor control systems at the pump station and to modify the pipeline conveyance system through the ravine so as to substantially reduce, if not eliminate, odors from the manholes. DCLU's recommended condition 13 addresses the manholes and requires that odors from the plant not exceed five odor units 200 feet from the boundaries of the plant. This condition was unchallenged by Metro. The "fenceline" odor control called for by some at the hearing, while in itself desirable, would probably require the construction of additional structures to enclose the facilities, thereby increasing the physical bulk of the plant.

9. With the conditions recommended by the Examiner, the proposed pump station and stormwater facility comply with the applicable development standards of 23.44.022.

Recommendation

The Examiner recommends that Council Conditional use permit for the wastewater pump station and stormweather facility be granted subject to the following conditions:

Recommended Condition 1 - Metro shall be responsible for performance consistent with this permit and for compliance with all permit conditions to the satisfaction of the City. Metro shall inform all its contractors of all permit conditions and requirements.

Recommended Condition 2 - Prior to the issuance of any building permits, Metro shall submit to DCLU and the Parks Department a satisfactory construction mitigation plan for the site and for the pipeline installation in Piper's Creek ravine. Metro shall ensure the proper implementation of the construction mitigation plan throughout the construction period. This construction mitigation plan shall include, but not be limited to the following elements:

a. Preservation of existing riparian vegetation wherever possible when it is not directly impacted by construction.

b. Clearly mark the limits of construction activity, including marking trees to be preserved (i.e., trees 6 inches DBH, within 20 ft. of construction activity) both on Plan drawings and in the field; defining the project limits with a 6 ft. high chain link fence; signs at both ends of the pipeline construction in the park to advise Park visitors of trail closures and/or disruption).

c. Minimize the potential adverse impacts related to soils, water quality, and plants and animals, by including Best Management Practices which reduce soil disturbance, erosion and sedimentation. The Plan shall include, but need not be limited to the following:

o Sedimentation ponds, swales, basins, and similar features shall be used to keep construction runoff from entering Piper's Creek before sediment has settled out. Hay bales, silt fences, and similar measures shall also be used to reduce the sediment that enters the creek. Metro shall ensure that the best management practices (i.e., measures for erosion and sediment control)

shall be properly installed, utilized, and maintained throughout the construction period so that adverse impacts are minimized.

- o All sedimentation swales and sedimentation ponds shall be located within the project limits and shall be maintained by Metro throughout the construction period.

- o Specifications for stream crossings along Piper's Creek shall include details for the size and gradation of rock and shall include the provision of a filter or bedding layer.

- o Existing drainage culverts below Carkeek Trail shall be replaced and new culverts provided.

- o Temporary interceptor swales on the hillside above the trail shall be relocated to the toe of the slope to minimize disturbance to the hillside and existing vegetation.

- o Appropriate seed mixtures shall be used when hydroseeding the areas disturbed by construction (e.g., in the ravine the mixture shall include species adapted to the dark and wet forest environment, such as swordfern, buttercup, piggyback plant, etc.).

- o Culverts at the railroad embankment and the check dams shall be cleaned of silt and debris prior to construction during construction as needed, and after the construction is completed. The extent of work done, and appropriate techniques to be used, shall be developed in cooperation with the Seattle Parks and Engineering Departments.

- o A rock-lined swale shall be included on the uphill side of the trail where the pipeline crosses the trail near where the pipeline exists the ravine (at approximately STA 32+40).

d. Replant all areas cleared or disturbed by construction activities using tree, shrub, and groundcover species appropriate for each area affected. (See Parks Department recommendations 1 through 17 in its September 26, 1989 Review Comments to SED in the project application file.)

Recommended Condition 3 - Prior to the issuance of any building permits, Metro shall submit to DCLU and the Seattle Engineering Department a satisfactory traffic management plan for the control of construction traffic impacts. Metro shall ensure the proper implementation of this traffic management plan throughout the construction period. This shall include, but need not be limited to, the following elements:

- a. Measures taken to ensure safe vehicular and pedestrian travel in the vicinity, including providing a sidewalk for pedestrian access to the park on the south side of Carkeek Park Road from the park entry to just past the treatment plant entry (sidewalk to be constructed and usable prior to the beginning of pump station excavations).

- b. Limit construction to weekdays between 7:00 a.m. and 7:00 p.m.

- c. No weekend construction traffic.

d. Flag persons will be provided when required to meet Seattle Engineering Department traffic requirements. Acceptable trail detours and signage will be reviewed and approved by the Parks Department prior to their implementation.

e. No construction worker or equipment parking shall be permitted along Carkeek Road from 3rd Avenue N.W. to the park entrance or on residential streets leading to the park from the north.

f. Metro shall provide for construction worker parking by arranging with the Parks Department to satisfactorily improve and use the informal parking areas in the meadow of Carkeek Park west of the plant for construction worker parking.

g. Provide initial roadway repairs (fill existing potholes, etc.) to Carkeek Park Road from 3rd Avenue N.W. to the plant entrance prior to the start of pump station excavations. Maintain Carkeek Park Road from 3rd Avenue N.W. to the plant entrance throughout construction period and, after construction is complete, repair damage caused by construction traffic. All these repairs shall be planned and implemented in cooperation with the Parks Department and conducted in a manner satisfactory to the Seattle Engineering Department.

h. Metro shall inform the Contractor within the contract documents of specific speed limit restrictions for the access haul road to the site.

Recommended Condition 4 - Metro shall ensure that construction noise is minimized. The following measures shall be included: limit construction activities to weekdays between 7:00 a.m. and 7:00 p.m.; where possible, use electric, rather than diesel or gas-powered equipment; place portable acoustical screens around noisy equipment idling when not in use; comply with all noise ordinance restrictions.

Recommended Condition 5 - Metro shall ensure that construction dust released into the air and dirt tracked into the street is minimized. The following measures shall be included: spray areas of exposed soils to reduce dust; clean the streets along the construction haul route as necessary to keep the streets free of nuisance dust and dirt to the satisfaction of the Seattle Engineering Department; do not allow vehicles to idle for prolonged periods (i.e., no more than 5 minutes); use well maintained vehicles and equipment.

Recommended Condition 6 - In conjunction with the sidewalk construction required in Condition 3a, Metro shall place underground the existing overhead power and telephone utility lines which go to the plant. The utilities should be placed beneath the sidewalk alignment along the roadway prior to the construction of the sidewalk.

Recommended Condition 7 - Metro shall restore Piper's Creek to an open channel creek through the plant site. The design shall allow for passage of fish upstream. The 48-inch culvert, 300 feet long, along the southern edge of Metro's property shall be removed and a creek channel created and stabilized with rockery banks and a cobblestone/gravel bottom, and riparian vegetation planted consistent with the creekside vegetation upstream.

Prior to the issuance of any building permits, Metro shall submit a satisfactory plan for the creek restoration to the Parks Department. The

approved restoration shall be completed within 1 year of the date of substantial completion of the pump station contract. The creek restoration shall be designed to avoid interference with the CWCAP "left turn" project.

Recommended Condition 8 - Prior to the issuance of any building permits, Metro shall submit satisfactory revised landscape plans and revised ravine restoration plans to DCLU and to the Parks Department. Metro shall ensure that the approved landscape and restoration plans are implemented to the satisfaction of the Parks Department.

The revised plans shall include the following:

- a. Limit the use of incense cedars to the entry drive area. Western red cedar shall be used instead of the incense cedar currently proposed (except on the slope above the pump station, where douglas firs should be substituted for the incense cedars).
- b. Limit the use of ivy to the planters around the entry drive and prohibit its use in other locations where it could spread into and take over existing and/or native vegetation.
- c. Add native trees (e.g., western hemlock, douglas fir, western red cedar, and vine maple) to the area immediately outside the screen wall on the west side of the treatment plant to provide additional screening.
- d. Include paving grid (e.g., "Geo-block") instead of crushed rock for the eastern driveway to soften its appearance as it enters the park.
- e. Realign the pipeline route through the ravine to the satisfaction of the Parks Department to protect existing trees (realign from STA 0+30 to 2+25, 18+09 to 20+80 to 23+60 as recommended by the Parks Department).
- f. Bridge structures and bridge abutments damaged by construction activities shall be rebuilt or replaced to the satisfaction of the Parks Department.
- g. Restore the trail through the ravine to the satisfaction of the Parks Department. Areas along the trail shall also be revegetated with native trees and shrubs to the satisfaction of the Parks Department.

Recommended Condition 9 - Perimeter screening of the plant shall be continuous around the western and southern edges to better screen views of the plant.

Recommended Condition 10 - The existing hiking trail east of the plant shall be realigned to direct views away from the plant. The new trail alignment and the areas disturbed by relocation shall be planted with, native trees and shrubs to the satisfaction of the Parks Department.

Recommended Condition 11 - All exterior lights shall be shielded that no light shines off Metro Property.

Recommended Condition 12 - Metro shall require the landscaping contractors to maintain and replace plants as needed in the restored and revegetated areas along Piper's Creek for a one year period following Metro's acceptance of the planting/restoration work. The maintenance and replacement shall be

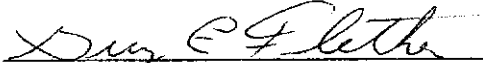
accomplished to the satisfaction of the Parks Department. The Parks Department shall be responsible for the maintenance of the plantings one year after their acceptance by Metro. Two years and five years after Metro has accepted the planting/restoration work, Metro shall review the performance of the plantings with the Parks Department. Metro shall be responsible for subsequent restoration measures that are necessary to assure reestablishment of disturbed areas. The measures shall be accepted to the Parks Department.

Recommended Condition 13 - Odor from the plant shall not exceed five odor units 200 ft. from the boundaries of the plant, and manholes within Carkeek Park shall be fitted with odor controls to provide for reduction of odors and discharge of odors away from trails.

Recommended Condition 14 - Metro shall consult with Seattle City Light regarding energy efficient equipment. Metro shall use the City Light recommendations when selecting pumps, blowers, and motors.

Recommended Condition 15 - Metro shall work with the interested community groups in its development of plans for the restoration of Pipers Creek and for streamside vegetation. The design shall be reviewed by interested groups (including the Carkeek Watershed Community Action Project and the Broadview Community Council) prior to implementation. Metro shall respond to comments and suggestions made by these groups.

Entered this 17th day of August, 1990.


Guy E. Fletcher
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.