



Variance Request Permit Application Form

PA-05
APPLICATION

Community Development Department
501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A pre-application meeting is required prior to submitting a Variance application. A variance is a mechanism by which the city may grant relief from the zoning provisions and standards of the LDC, where practical difficulty renders compliance with the LDC an unnecessary hardship. Variance permits are subject to the Type III review process as set forth in Chapter 15.210 ECC.

Application Fee: \$500 (Pre-App Fee: \$500 may be applied here also)

In addition to the existing application fee, the applicant shall be required to pay a \$600 Hearing Examiner fee. If the Hearing Examiner fee is less than \$600, the difference shall be returned to the applicant. If the Hearing Examiner fee exceeds \$600, the additional cost shall be billed to and paid by the applicant.

The Planning Division will be unable to accept your Variance Application if you fail to provide ALL of the following required material.

OFFICIAL USE ONLY:	
Staff Person:	
Date Submitted:	
Fee Total:	
FILE #:	
Associated Permit File #:	

PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)

Legal Owner Name(s):	Kittitas County Solid Waste	Day Phone:	509-962-7542
Mailing Address:	925 S. Industrial Way -- Ellensburg, WA 98926		
E-mail:	Laura.Osiala@co.kittitas.wa.us	Cell Phone:	

***APPLICANT:** Owner Contractor Tenant Other

Name:	Patti Johnson, Director, Kittitas County Solid Waste	Day Phone:	509-962-7542
Mailing Address:	925 S. Industrial Way, Ellensburg, WA 98926		
E-mail:	patti.johnson@co.kittitas.wa.us	Cell Phone:	509-962-7070

CONTACT PERSON: Owner Contractor Tenant Other

Name:	Tom Parker, PE, Jacobs	Day Phone:	626-578-3500
Mailing Address:	1100 112th Avenue, Suite 500, Bellevue, WA 98004		
E-mail:	tom.parker@jacobs.com	Cell Phone:	505-991-4987

PROJECT INFORMATION:

Parcel Number(s) of Site:	611033
Site Address (if any):	US 97/Old Highway 10
City Zoning Designation:	Light Industrial (I-L)

PROJECT INFORMATION:

Ellensburg City Code 15.250.050 requires that application for variance may only be approved if/all the following criteria are satisfied. Please include responses at an attachment to this application

1. **Narrative project description (include as attachment):** Please include, at a minimum, the following information in the description: describe project size, location, and the provision of zoning code for which this variance is requested and the way in which you wish to vary from the code.

2. **A variance may be granted only when the following criteria are met (see ECC 15.250.050). Please describe in detail how each criteria is met for this particular request: (attach additional sheets as necessary):**
 1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
 2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
 3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone, however, the existence of similar nonconforming uses of neighboring lands, structures, or buildings in the same zone shall not be considered grounds for the issuance of a variance;
 4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
 5. The variance is compatible with the comprehensive plan;
 6. The variance does not create a health or safety hazard;
 7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - a. The property or improvements in the vicinity, or
 - b. The zone in which the subject property is located;
 8. The variance does not relieve an applicant from:
 - a. Any of the procedural or administrative provisions of this title, or
 - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - c. Use or building restrictions, or
 - d. Any provisions of the critical areas development standards except as provided in Division VI;
 9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
 10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; and
 11. The variance is the minimum necessary to grant relief to the applicant.


3. **Site Plan Requirements:**
 - The proposed project and dimensions in relation to the property boundaries. Show how the property is located in reference to existing streets, alleys and sidewalks.
 - The proposed project and dimensions in relation to all existing and proposed development on the property. Show all existing buildings or structures on subject property and those proposed to be located on property with setback dimensions and distances between buildings.
 - Show present and additional "off-street" parking, if required.

(The site plan shall be legibly drawn to a minimum scale of 1:20 on substantial paper a minimum 11" x 17" size)

SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

I, LAURA OSIADACZ, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I am the owner of record of the area proposed for the above-identified land use action or, if not the owner, attached herewithin is written permission from the owner(s) authorizing my actions on his/her/their behalf.

Signature of Legal Owner: (or Authorized Agent)		Date:	<u>2/3/20</u>
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Supplement to Variance Request Permit Application Form for Proposed Kittitas County Transfer Station and Maintenance Facility Relocation

1. Narrative Project Description

Kittitas County (County; applicant) proposes to move the existing Ellensburg Transfer Station (Transfer Station) located at 1001 Industrial Way and the existing Kittitas County Public Works Department (PWD) Lower County Maintenance Facility (Maintenance Facility) located at 505 W. 14th Street, to parcel 611033 in northwest Ellensburg. The proposed Kittitas County Transfer Station and Maintenance Facility Relocation Project (project) site is shown on Tax Map No. 18-18-28030008 as Assessor’s tax parcel ID 611033 owned by Kittitas County Solid Waste (Figure 1). The conceptual design provided in Figure 2 covers a 50.58-acre area with 5,000 feet of roadway, 23.04 acres of impervious surface, 51,000 square feet of stormwater ponds, and 11 stand-alone buildings.

The overall site plan is provided in Figure 2. The relocated Transfer Station will serve both County residents and commercial haulers. The existing facility handles solid waste, recyclables, and moderate risk waste and makes compost from yard waste. The entire existing facility and composting site is located adjacent to Wilson Creek within the 100-year floodplain. Topographically, the existing site is at a low elevation relative to the surrounding floodplain. During spring thaw and heavy rain events, the existing facility is often flooded, impacting access roads, unloading areas, and operational areas. In addition to the customer access and operational challenges associated with frequent seasonal flooding, the existing facility is also space constrained. The small size of the facility results in long customer queuing times and potentially unsafe conditions within the small unloading and processing areas. The projected population growth and solid waste management needs of Kittitas County, combined with existing facility challenges and limitations, requires construction of a new solid waste transfer station at a new location. Without relocating the transfer station, Kittitas County will not meet the transfer station standards outlined in Washington Administrative Code (WAC) 173-350-310 and the performance standards outlined in WAC 173-350-040.

The Transfer Building is the most important structure at the Transfer Station. It currently receives approximately 27,000 tons of material per year (or 80 tons per day) and is anticipated to receive 105 tons per day by the end of its 30-year design life. Table 1 summarizes the Transfer Building dimensions and purpose.

Approximate Dimensions	Purpose
<ul style="list-style-type: none"> • 100- by 210-foot building including tipping floor, load-out port • 10- by 45-foot office • Backing apron • Equipment storage building • 13 unloading stalls • Potential future expansion area 	<ul style="list-style-type: none"> • Waste receiving, storage, and handling • Tire and white good loading area • Operating Contractor offices

The Transfer Building will need a height variance because the Light Industrial (I-L) zoning district use table in Ellensburg City Code (ECC) 15.320.040 “Building setback and intensity standards table – Nonresidential zones,” indicates the maximum building height in I-L is 35 feet. (The Transfer Building does not qualify for height exceptions provided in ECC 15.320.060.) The proposed Transfer Station will be approximately 40 to 50 feet high above finished grade. Drawings of the Transfer Station concept are found in Figures 3 and 4.

2. Variance Criteria (ECC 15.250.050)

C. Decision Criteria. The city may approve, approve with conditions, or deny variances. Granting variances requires compliance with all of the following:

1. The variance is not necessary because of the unique size, shape, topography, or location of the subject property;

A variance is necessary to allow for efficient and safe Transfer Station operations.

The collection vehicles unload their contents onto a concrete floor. The minimum clearance within the Transfer Building must be 30 feet to allow unloading of collection vehicles and to prevent damage to the roof structure. An additional 10 to 20 feet is needed for the roof support structure and the roof pitch to promote stormwater and snow runoff. Therefore, the overall height of the Transfer Building will be approximately 40 to 50 feet above finished grade.

2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

Strict enforcement would create an unnecessary hardship because the property could not be used for a transfer station without a transfer building designed for moving waste from haul vehicles to transfer trailers that in turn are hauled to an approved disposal site.

The City has no land zoned for essential public facilities. The uses described in the I-L zone generally cover the activities proposed at the Transfer Station.

3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone, however, the existence of similar nonconforming uses of neighboring lands, structures, or buildings in the same zone shall not be considered grounds for the issuance of a variance;

There are no similar nonconforming uses on neighboring lands. The applicant is unaware of other instances of height variances issued to other buildings in I-L zones.

4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;

There were no deliberate actions taken by the applicant/property owner resulting in the need for the variance. The need for a height variance is based on the functionality of a transfer station, which provides a necessary public service to the community.

5. The variance is compatible with the comprehensive plan;

The variance is compatible with the *City of Ellensburg Comprehensive Plan* (Comprehensive Plan) because the future land use map indicates the site is to remain zoned for I-L. The site is not within a historic district that would be affected by a tall structure. The Comprehensive Plan indicates the City should plan for essential public facilities but does not indicate where that should occur. A solid waste transfer station fits within the definition of an essential public facility as per Revised Code of Washington (RCW) 36.70A.200.

6. The variance does not create a health or safety hazard;

The height variance does not create a health or safety hazard because it does not trigger a Federal Aviation Administration (FAA) aviation hazard. The FAA's Notice Criteria Tool results are included as Attachment 1.

A transfer station provides for the health and safety of the public by supplying a healthy and safe means to manage solid waste generated in the community, which is a responsibility of the County and City under RCW 70.95.010:

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound...

7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:

- a. The property or improvements in the vicinity, or**
- b. The zone in which the subject property is located;**

The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity because it does not deprive adjacent property owners of the full use of their land. A meeting was convened with adjacent property owners on June 28, 2019. Although the purpose of the meeting was to discuss the accommodation of the future Minor Collector ascribed in the Comprehensive Plan, there was no objection to the layout or scale of any Transfer Station facilities.

As per the P19-106 Pre-Application Report, the Transfer Station operations fit zoning requirements of an I-L zone, the current zone designation.

8. The variance does not relieve an applicant from:

- a. Any of the procedural or administrative provisions of this title, or**
- b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or**
- c. Use or building restrictions, or**
- d. Any provisions of the critical areas development standards except as provided in Division VI;**

The applicant will comply with any procedural or administrative provision of ECC 15.250.050, building restrictions, or critical areas development standards.

9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

A height variance will not interfere with the railroad's use of their adjacent property nor will the height of the Transfer Building interfere with the easement established for the new Minor Collector road.

10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

The height variance will not establish a use that is not otherwise permitted in the I-L zone. Height variances can be approved but only when the variance meets all City regulations and requirements.

11. The variance is the minimum necessary to grant relief to the applicant.

The applicant is requesting a height variance of 40 to 50 feet above finished grade, to allow the final height of the structure. The final structure height is based on Transfer Station functionality requirements. The applicant is not requesting an additional height variance for future buildings on the property.

3. Site Plan Requirements

A site plan is provided in Figure 2. More detail regarding sidewalk, distances between buildings, and parking will be provided in later design phases.

Figures

Figure 1 – Site Location

Figure 2 – Transfer Station Site Plan

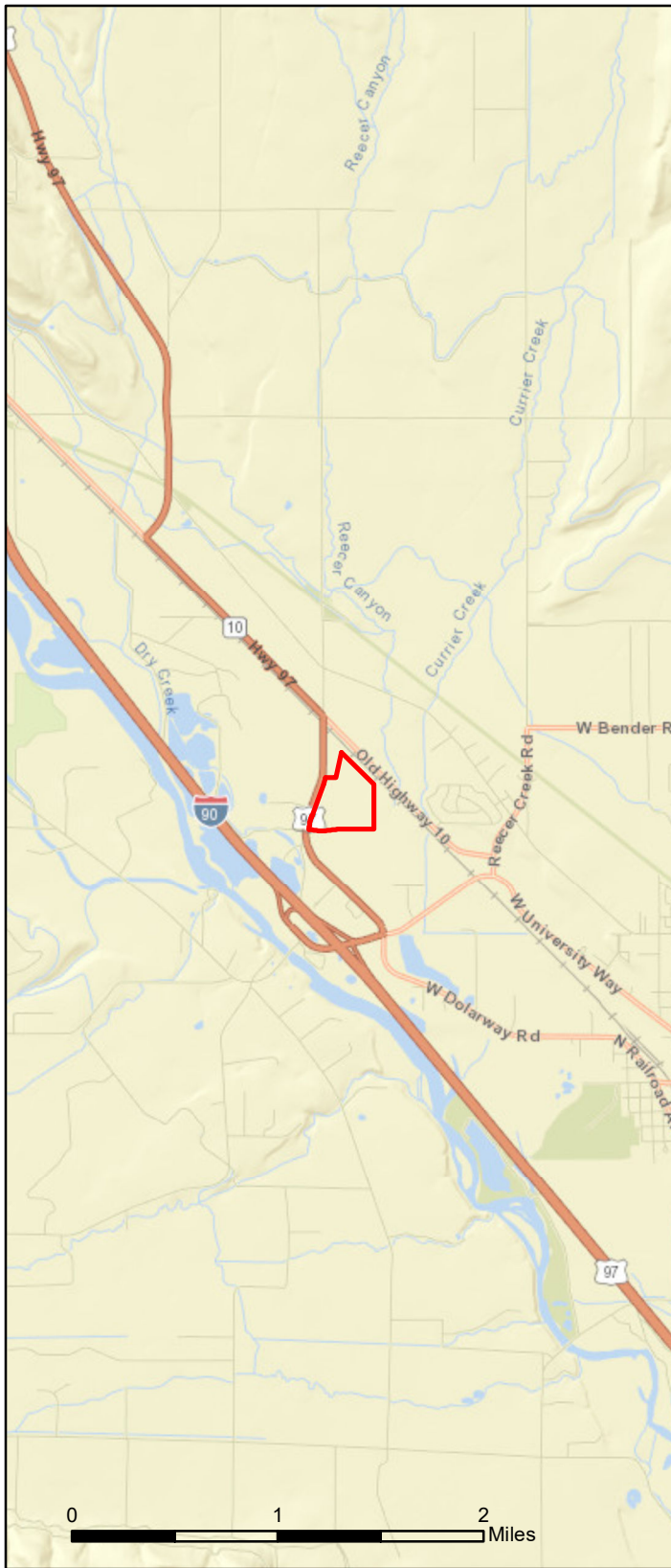
Figure 3 – Transfer Building Elevations (1 of 2)

Figure 4 – Transfer Building Elevations (2 of 2)

Attachment

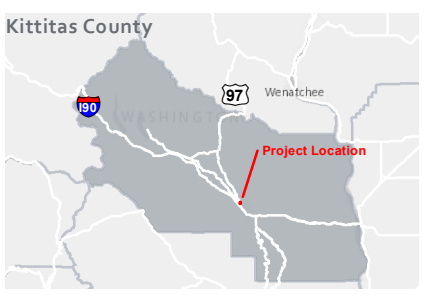
Attachment 1 – FAA Notice Criteria Tool Results

Figures



Locator Map

Legend



 Site Boundary

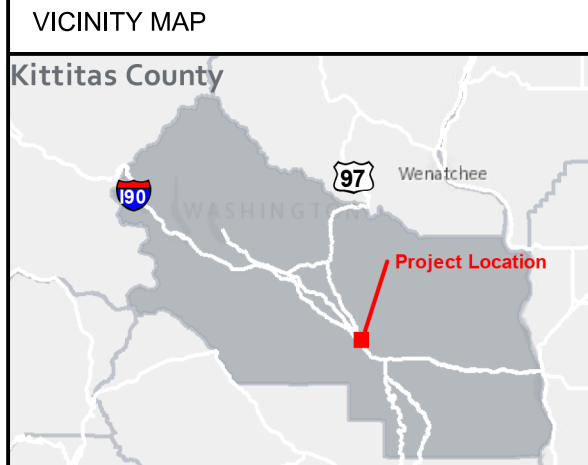


Figure 1

Kittitas County Transfer Station and Maintenance Facility Relocation Project
SITE LOCATION

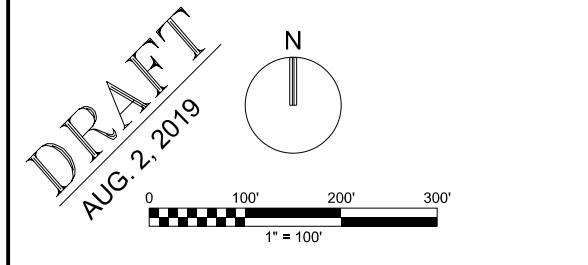


US 97 / OLD HIGHWAY 10 SITE

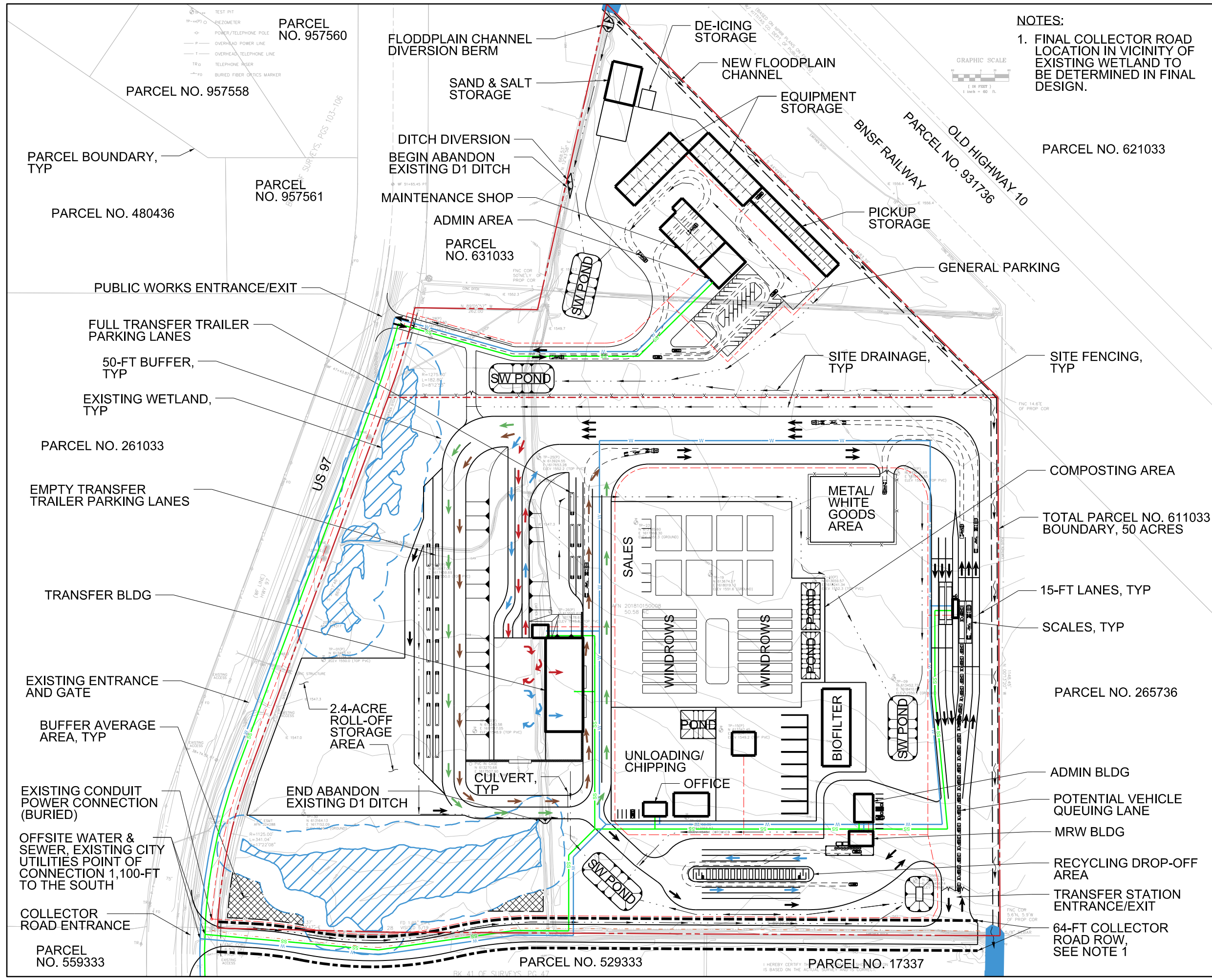


LEGEND

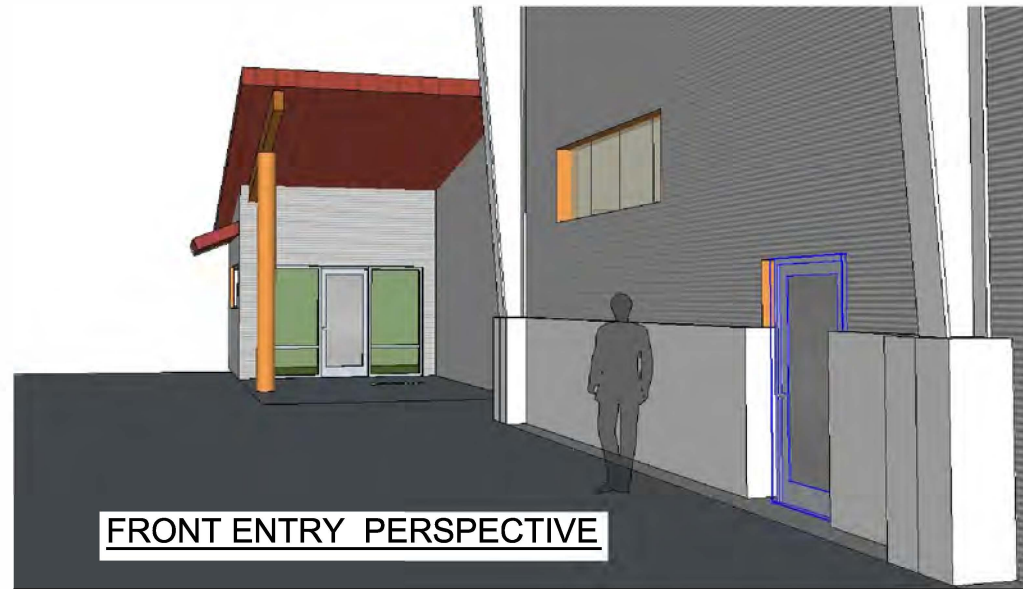
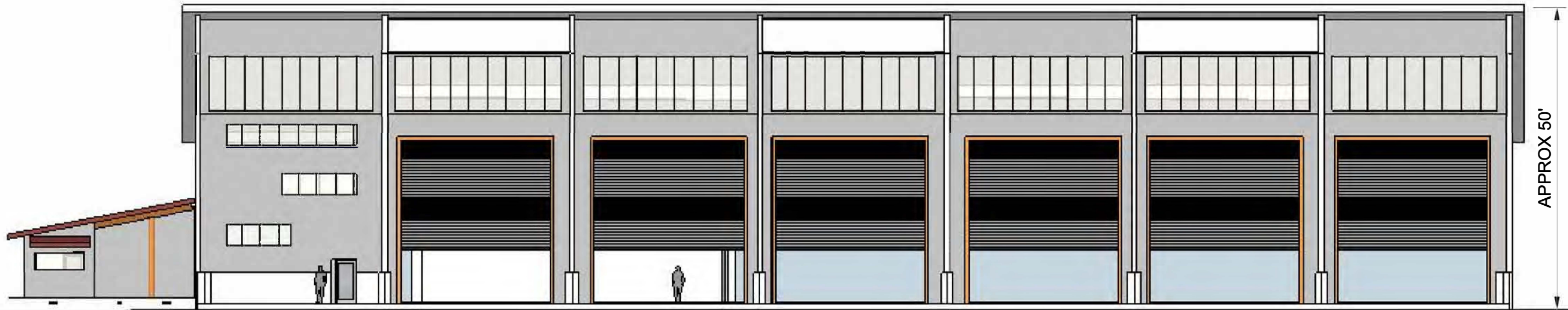
	TRAFFIC FLOW
	COMMERCIAL ROUTE
	SELF-HAUL ROUTE
	COMPOSTING ROUTE
	TRANSFER TRAILER ROUTE
	PROPERTY BOUNDARY
	EXISTING GROUND CONTOURS (1-FT INTERVAL)
	EXISTING FEMA 100-YEAR FLOODPLAIN
	NEW FLOODPLAIN CHANNEL
	PARCEL BOUNDARY
	SITE FENCING AND GATES
	WATER MAIN
	SEWER MAIN
	ELECTRICAL (BURIED)
	GAS MAIN (BY OTHERS)
	DRAINAGE CHANNEL OR SWALE
	DRAINAGE FLOW DIRECTION
	DELINEATED WETLAND
	50-FT BUFFER, WETLAND
	BUFFER AVERAGE AREA



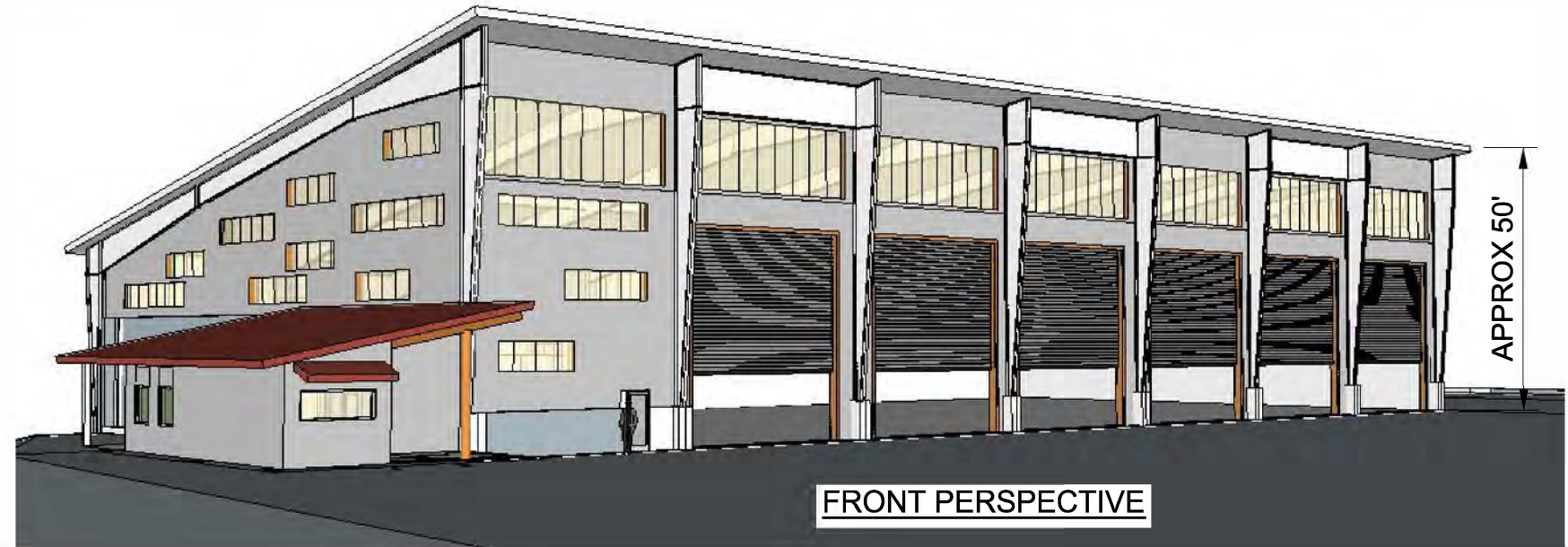
**FIGURE 2
TRANSFER STATION SITE PLAN**
KITITAS COUNTY TRANSFER STATION
KITITAS COUNTY, WASHINGTON



FRONT ELEVATION



FRONT ENTRY PERSPECTIVE



FRONT PERSPECTIVE



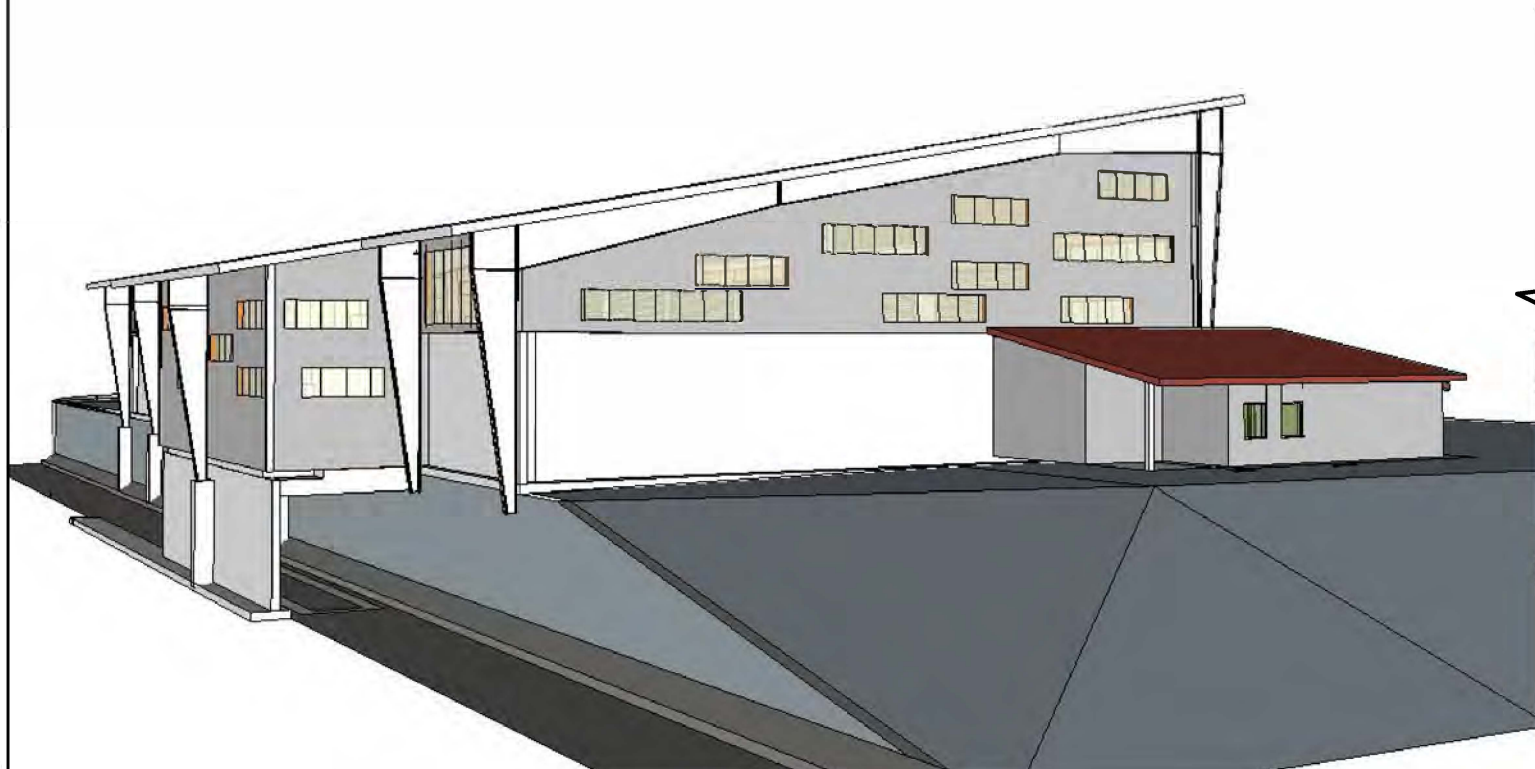
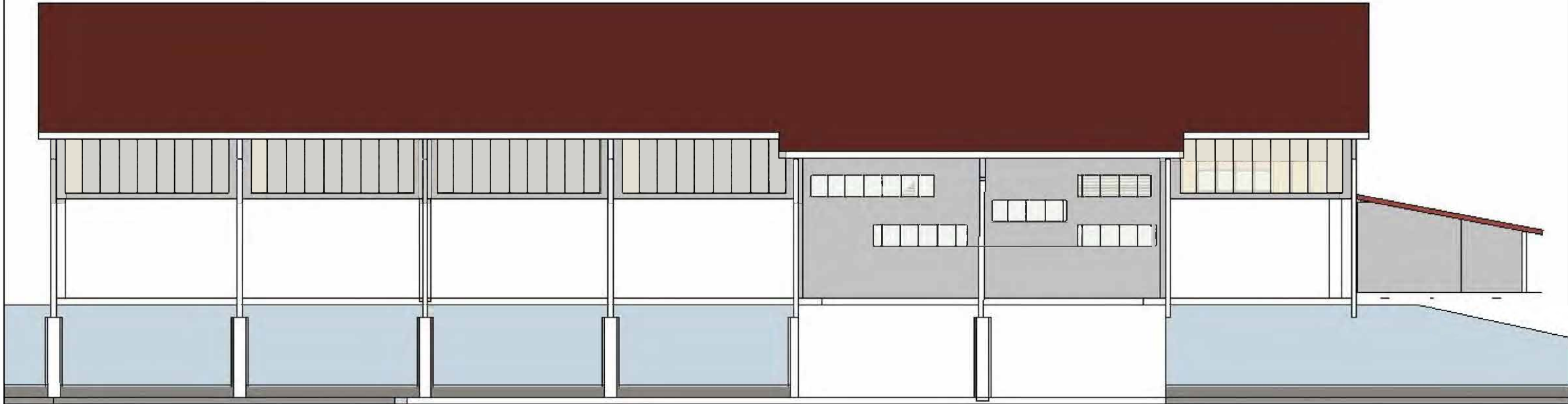
FRONT PERSPECTIVE

DRAFT
DEC. 14, 2018

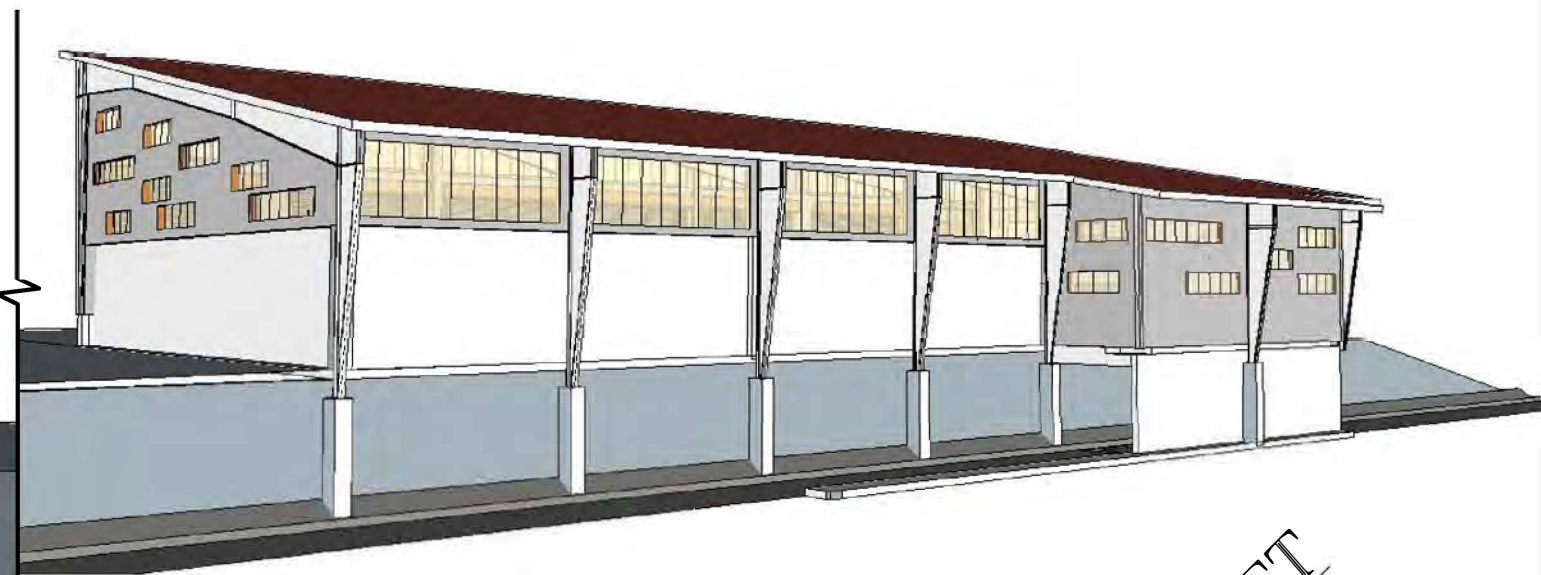
FIGURE 3
TRANSFER BUILDING ELEVATIONS (1 OF 2)
KITITAS COUNTY TRANSFER STATION
KITITAS COUNTY, WASHINGTON

JACOBS

BACK ELEVATION



BACK PERSPECTIVE



BACK PERSPECTIVE

DRAFT
DEC. 14, 2018

FIGURE 4
TRANSFER BUILDING ELEVATIONS (2 OF 2)
KITITAS COUNTY TRANSFER STATION
KITITAS COUNTY, WASHINGTON

Attachment 1
FAA Notice Criteria Tool Results



Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2018.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc..) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="47"/> Deg <input type="text" value="0"/> M <input type="text" value="55.73"/> S <input type="button" value="N ▼"/>
Longitude:	<input type="text" value="120"/> Deg <input type="text" value="35"/> M <input type="text" value="27.74"/> S <input type="button" value="W ▼"/>
Horizontal Datum:	<input type="button" value="NAD83 ▼"/>
Site Elevation (SE):	<input type="text" value="1547"/> (nearest foot)
Structure Height :	<input type="text" value="65"/> (nearest foot)
Traverseway:	<input type="button" value="No Traverseway ▼"/> (Additional height is added to certain structures under 77.9(c) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes

Results

You do not exceed Notice Criteria.

